

HELLENIC REPUBLIC
MINISTRY OF JUSTICE, TRANSPARENCY AND HUMAN RIGHTS
GENERAL DIRECTORATE OF LEGISLATIVE COORDINATION
AND SPECIAL INTERNATIONAL LEGAL RELATIONS
DIRECTORATE OF LEGISLATIVE COORDINATION AND SPECIAL
INTL. LEGAL RELATIONS
DEPARTMENT OF EQUAL TREATMENT Athens 18.04.2011
AND HUMAN RIGHTS Ref.No. 30982 oik
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SUBJECT : Questionnaire regarding the elderly's protection

Re. : Your document with no. F14119/30.03.2011

In continuation of the above referenced document, we hereby note the following on the said questionnaire about the issues falling into our competence.

As an introduction it is noted that the Hellenic Legislation fully ensures equality and prohibition of discriminations for all who are found in the Hellenic State.

A. LEGISLATIVE FRAMEWORK AGAINST DISCRIMINATIONS

Several international legal texts protect groups or persons against discriminations that exist due to, among other, age. Such protection ensues from the principle of prohibition of the discriminations and is established on the rights of human freedom and dignity and the principles of fair and equal treatment ensured in such texts.

From the international texts, apart the provisions (articles 2 and 7) of the Universal Declaration of Human Rights, it is indicatively noted the International Agreement on Personal and Political Rights, which has been ratified by the 1. 2462/1997, the article 2 par. 1 of which prohibits any discriminations, especially due to race, colour, sex, language, religion,

political or other beliefs, national or social origin, property, birth or any other condition.

The same absolute prohibition of discrimination is also introduced by the European Convention for the protection of the Human Rights (ECHR) by the article 14, thus enacting the principle of equality.

At European Union level, the Convention for the operation of the European Union exposed in the article 10 that “at the determination and implementation of its policies and actions, the Union pursues to fight against any discrimination due to sex, racial or ethnic origin, religion or beliefs, disability, age or sexual orientation”. By the law 3671/2008 by which the Lisbon Convention, it has been integrated in the Hellenic legal order, the European Union Fundamental Rights Chart. In the article 21 it is imposed the prohibition of any discrimination, especially due to sex, race, colour, ethnic origin or social origin, genetic features, language, religion or beliefs, political convictions or any other opinion, ethnical minority membership, property, birth, disability, age or sexual orientation. In the article 25 it is made an expressed reference to the elderly’s rights to conduct a dignified and independent life and participate in the social and cultural life.

In the Constitution of our country the prohibition of discriminations and the respect of the human rights and the fundamental freedoms are particularly ensured in the articles 2 par.1 (respect and protection of the human value), 4 par.1 (equality before the law), 5 par.2 (protection of life, honour and freedom), 20 par.1 (right of legal protection’s provision), 25 par.1 (unhindered exercise of personal and social rights toward the State and the relations between individuals). Also, the article 21 par.3 provides for the obligation of the State to provide for the citizens’ health and take special measures for the protection of the elderly, among others, and the paupers’ care).

By the law 3304/2005 it has been enacted the general frame of settlement about the fight against and the elimination of the discriminations due to religious or other beliefs, disability, age or sexual orientation, in the

sector of employment and work, according to the directives 2000/43/EC of the Council, dated June 29th, 2000 and 2000/78/EC of the Council dated November 27th, 2000 so as to be ensured the implementation of the equal treatment. Afterwards, by the seventh article of the law 3625/2007 "Ratification, implementation of the Optional Protocol to the Convention for the Children's Rights regarding children's trade, child prostitution and child pornography and other provisions", the paragraph 2 of the article 2 of the above law 3304/2005 has been replaced. In particular, by such legislative regulation it becomes clearer the definition of the meaning of harassment for reasons of law safety and effective protection, as to the prohibition of discriminations, since it has been removed from the criteria for its specialization, the clause of the moral and transactional ethics.

By the stipulations of the law, certain and particular aspects of the matter are covered, protective legal remedies are introduced, effective sanctions are stipulated so as to be avoided any discrimination. At the same time, it is structured a complete institutional framework for the promotion of the principle of equal treatment. And, since the date of enforcement of such law, any opposite legislative and regulative provision... which is contrary to, as per this law, the principle of equal treatment, is abolished, according to the article 26.

In particular, in the articles 4 and 8 it is determined the application scope of the law, according to the provisions of the directives. In particular, in case of discriminations due to racial or ethnic origin, the law provisions apply on all persons, in the public and private sector, as to the sector of employment and work and in addition, as to the social protection, including social security and health care, social provisions, education as well as the access to the disposition and provision of goods and services disposed (transactional) to the public, including shelter as well. Besides, in case of discriminations due to religious or other beliefs, disability, age or sexual orientation, the provisions of the law will apply on all persons, in the public and the private sector but only to what concerns the sector of work and employment. In the article 16 of this law, criminal sanctions are also

stipulated for anyone who violates the principle of equal treatment for all the above reasons (ethnic or racial origin, religious or other beliefs, disability, age or sexual orientation) at the transactional disposition of goods or service provision to the public.

Presently, the European Committee filed on July 2nd, 2008 a new proposal of directive, with the aim the implementation of equal treatment among persons regardless religion, beliefs, disability, age or sexual orientation, except for the labour market and the sectors concerning social protection, including the social security and health care, the social advantages, the education, the access to goods and services available to the public, shelter being included as well, and the provision of them. The directive's proposal is still under discussion at the Council's Group of Social Matters.

B.ACCESS TO JUSTICE AND LEGAL REMEDIES IN CASES OF VIOLATION OF THE ELDERLY'S RIGHTS

By the article 20 par. of the Constitution it is ensured the right of every person to court hearing and protection of his rights and legal interests. The article is found at dialectic consistence with the democratic principle which it comes to reinforce in the context of the democratic regime's operation. A basic international standard for the constitutional enforcement of the judicial protection, has been the article 6 par.1a of the European Convention for the Protection of Human Rights (ECHR) that is an integral part of the applicable law with typical force actually higher than that of the (common) law (article 28 pr.1 of the Constitution). In parallel, according to the article 25 par.1 of the Constitution, the principle of the Social State lies under the guarantee of the State while all State organs must ensure the unhindered and effective exercise of the human rights.

Besides, in order for the access to the justice not to depend on the financial status of the person concerned, a fact that might lead to a defective exercise or even inability to exercise the above constitutional right, in detriment of the rights of the weak persons, the State has organized

by the law 3226/2004, a complete system of legal assistance to the low revenue citizens.

Legal assistance is granted gratis to any citizen regardless, age provided he fulfills the conditions of financial incompetence, set by the law. The institution of legal assistance is crucial for the Social State of Law, since the citizen's financial status constitutes the cardinal parameter, thus indirectly favoring sensitive groups. The legal assistance is granted in criminal cases and cases of civil and commercial nature under the conditions set by the law. In particular, in the criminal cases it is also provided the appointment of a counsel in favour of the victim as well, for submission of a complaint and attendance of civil prosecution, in a wide cycle of offences, as tortures and other offences against human dignity, discriminations and violations of the principle of equal treatment, crimes against life, against personal freedom etc. Further, by the same law it has been introduced the significant institution of the consultancy assistance by the presidents and district attorneys on duty, of the local District Attorneys' Offices and Courts, in the context of which the citizens are notified about the possibility of their integration in the system of legal assistance.

In such context it should be made a special reference to the Citizen's Advocate (Ombudsman) as an extrajudicial institution for the protection of vulnerable groups and in particular, those who may suffer discriminations.

By the L. 3304/2005, the Citizen's Advocate has undertaken also the role of the official agency for the promotion of the principle of equal treatment regardless racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation, when the principle is violated in the public sector.

For the purposes of the promotion and surveillance of the implementation of equal treatment, the Citizen's Advocate mediates between the offended person and the person purported to have violated the principle of equal treatment, in order for such offence to be raised. The C.A. may escalate his research and mediation in a wider level, prepare

relevant reports and actively participate in the coordination of the state authorities. Actually, in the context of his said actions of wider range, the Citizen's Advocate cooperates with the Equal Treatment Committee of the Ministry of Justice as well as with the Labour Inspection Agency, institutions which have been burdened with the role of the equal treatment promotion agencies in the field of the private sector.

C. PROVISIONS OF THE HELLENIC LEGISLATION UNDER THE AUTHORITY OF THE MINISTRY OF JUSTICE, TRANSPARENCY AND HUMAN RIGHTS, PROVIDING FOR SPECIAL CARE FOR THE ELDERLY

By the Law 2500/2006 for the confrontation of intrafamilial violence, it is aimed the confrontation of the phenomenon of intrafamilial violence on the grounds of the principles of freedom, self-disposition and dignity of a human. By the provisions of such law, protected are, apart the women against whom this phenomenon primarily appears, persons of a wider cycle among whom the elderly as well. Very significant are the provisions of the law for the assistance of the victims and especially the article 22 in which it is provided the grant of legal aid (poverty benefit) to victims who cannot pay, even temporarily, the required court fees.

Finally, the Penal Code (article 56 P.C. "mode of execution of sentences and security measures") provides the possibility of home detention for the service of sentence, for persons who have passed their seventy fifth year of age, since their stay in prison after such age limit, appears simply as an act of revenge from the part of the State.

The Manager of the General Directorate

E.Filippaki

Internal Distribution :

Office of the General Secretary
of Transparency and Human Rights

Exact Copy.
The Head of the Department
(sgd-sld)

Exact translation of the Greek attached document.

Athens 09.05.2011 The translator THEODOSSIA KAPELONI

HELLENIC REPUBLIC
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Athens 07.04.2011
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Subject : “UN Questionnaire for the protection of the elderly’s rights”

Re. : Your document with Prot.No. F. 14119/30.03.2011

In reply to the above referenced document and in particular, the question 6 about legislation, policies and social protection programmes related to the elderly, please be hereby advised as follows :

In the context of the extraordinary measures for the recovery of fiscal viability and confidence to the national economy, during the year 2010, a new package of fiscal policy and restriction of public expenditure has been imposed that includes reductions of salaries, pensions and benefit awards. As a measure for relief of the burdens to the elderly, it has been enacted and implemented the provision of an extraordinary financial allowance to the elderly which is from 100 to 300 euro.

In particular it is granted :

- a) 300 euro for those who have an annual personal income up to 7.000 euro and family income up to 12.000 euro
- b) 200 euro for those who have an annual personal income from 7.000,01 up to 8.000 euro and family income up to 14.000 euro
- c) 100 euro for those who have an annual personal income from 8.500,01 up to 10.500 euro and family income up to 16.500 euro.

The General Manager

K. Masouras

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ANSWERS

**Questions and issues for contributions to Secretary – General report pursuant
General Assembly resolution 65/182**

Question 5: Please provide information on existing legislation, policies and programmes addressing old age-sensitive services and facilities, such as those related to mobility, age-adequate design, long-term care, primary health care and adult and continuous education.

The programs operating under the supervision of the Ministry of Health and Social Solidarity are the following:

- *The closed care of the elderly is provided by the Elderly Care Units, that operate in the form of private entities and they have a non-speculative (when they are set up by charities, the Church or local government) or a speculative goal (when they are set up by individuals). The legal framework of their operation is determined by the provisions of the Law 2345/95. The conditions for the establishment and operation are set by the No. Π1γ/οικ. 81551/15.6.2007 Ministerial Decree (FEK 1136/B/2007) issued under the authority of the Law 2345/95 in which the constitutional requirements for taking special measures for the protection of the elderly, etc. are specified. Also, The Ministry has made a contract with non-profit Elderly Care Units for free hosting of financially weak, uninsured elderly at public expenses.*
- *Older people who cannot look after themselves completely (due to physical problems, dementia, etc.) and their family members work or face serious social and economic problems or health problems and they cannot care for them, may address to Daily Care Centres for the Elderly. The purpose of the Daily Care Centres for the Elderly is to improve the quality of life of older people and to help them stay in their natural environment and in their family and to help the members of their family who care for them to maintain a normal social and working life. The No. Π1Γ/ΑΠΠ/οικ. 14963/01 Ministerial Decree (FEK. 1397/B/22-10-01), as amended, sets out the conditions for the establishment and operation of the Daily Care Centres for the Elderly.*
- *The Programme "Help at Home" aims to provide care at home to elderly or younger people (that are disabled etc.) who need home care through the "Help at Home" Units and the "Units of Social Welfare" in order to facilitate the integration / re-employment and the job retention of their relatives who are unemployed or they have a high risk of unemployment, and they benefit from active employment policies. The No. 1.605/οικ.3.85 Joint Ministerial Decree sets out the new conditions for the operation of the Programme.*

Question 8: Please provide information on existing legislation, policies and programmes to enhance participation and active engagement of older men and women in community, political and cultural life.

- *The Ministry of Health and Social Solidarity implements an annual program of camping and baths for the elderly across the country, from June to October, lasting ten (10) days for each older person. Every older man or woman may participate in this programme, but those who: a) have a low socioeconomic level, b) have recently widowed and c) in general cannot go on summer vacation, are in priority.*

- *Centres of Open Protection of the Elderly (KAPI) are open programs involving elderly over 60 years old without any socio-economic criteria and their goal is to integrate and socialize all members of the Community. With the Law 162/73 some pilot KAPI began their operation in 1978 and today they continue their successful function under the auspices of the local government. Since 1994 the institution of KAPI has been one of the responsibilities of the Local Government.*

HELLENIC REPUBLIC

VERY URGENT

MINISTRY OF LABOUR AND SOCIAL SECURITY

GENERAL DIRECTORATE OF ADMINISTRATIVE SUPPORT

DIRECTORATE OF INTERNATIONAL RELATIONS

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Subject : "UN Questionnaire for the protection of the elderly's rights"**Re. : Your document with Prot.No. F. 14119/30.03.2011**

In reply to the above referenced document, please be hereby advised as follows, in the context of competence of the Ministry of Labour and Social Security :

Question 3 :

According to the provisions of the L. 3304/2005 (Off.Gaz. A/16) "Implementation of the principle of equal treatment regardless racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation" by which it has been integrated in our national law the community directives 2000/3/EC and 2000/78/EC, the discriminations due to, among others, age are prohibited.

In particular, the prohibition of discriminations due to age concerns all persons in the public and the private sector. In the field of employment it concerns (article 4 Application scope) :

- a) **The terms of access to work and employment**, including also the terms of selection and hiring and professional evolution,
- b) **The access to all kinds and levels of professional orientation**, vocational training, further education and professional re-orientation, including the acquisition of practical professional experience,

- c) **The terms and the conditions of work and employment**, including those concerning dismissals and rewards,
- d) **The capacity of the member and the participation in employers' or employees' organizations** or any professional organization including the advantages accruing from the participation in them.

The Ministry of Labour and Social Security implements actions of information and sensitization for the fight against the discriminations due to, among others, age, in the context of the community programme "For Employment and Social Solidarity-Progress".

The goals of the above programme are :

- A) The implementation of the community and the domestic legal framework for the fight against discriminations,
- B) The sensitization, the diffusion of information and the promotion of dialogue between the social partners, the Non Governmental Organizations and other parties involved, regarding the policies concerning the discriminations and the diffusion of them to all Social Policies.
- C) The understanding of the discrimination phenomena via analyses, surveys, statistical tools and indices as well as
- D) The evaluation of effectiveness and implications of existing legislation, the policies and the measures taken for the fight against discriminations.

Question 6

THE RIGHT TO SOCIAL SECURITY

The constitutional establishment of **the right to the social security** is provided for in the article 22 par.5 of the Constitution that provides that : "The state cares for the social security of the employed persons as law prescribes". Such provision, as interpreted by the case law of the Hellenic courts, creates the grounds for the social security coverage of all employed persons, regardless the kind of their employment.

By the L. 3863/2010 "New Social Security System and relevant provisions, settlements in the working relations" (Official Gazette 115A, 15.07.2010),

the State has proceeded to a **reformation of the social security system** in an effort to rationalize the system and ensure its viability while at the same time, care is taken of the low income pensioners and the elderly with low revenues. The structural changes in the security system aim to the **establishment of a system public, catholic, viable, rationalized, structurally simplified and socially fair**. In view of the demographic problem that the country is anticipated to confront, and taking into account the financial data, the new social security law, ruled by the social justice and the solidarity between generations, among others :

- It introduces **unified conditions of retirement and unified rules to calculate the pension** for everybody, after a transitional period (2011-2014) when the retirement age limits and the required security term are gradually readjusted so as to be ensured the mature retirement rights and to be smooth the transition to the new system.
- It establishes **minimum limits of age, disability and death pensions**, the amount of which comes up to the present level (2010) of the lowest retirement limits with a prediction for their annual readjustment. We hereby note that at IKA-ETAM Fund that is the biggest social security organization of our country, the lowest age and disability pension amounts up to 486,84 euro and the pension due to death, to 438,16 euro.
- It provides for the **re-determination of the retirement age limits depending on the alteration of the life expectancy in the country**, with reference age that of 65 years. This re-determination begins since 01.01.2002 and is made based on the relevant indices determined by the Hellenic Statistical Authority and EUROSTAT.
- It provides motives but also the ability to the older ones to remain at their work posts.
- It introduces a **new structure** of the main pension (basic pension/proportionate part).

The basic pension (independent of security contributions) which belongs to the welfare type provisions, in implementation of the social solidarity is

destined for those who have need of the state care, even if they have not had the time to establish a retirement right or are not insured. The proportional pension, practical implementation of the principle of reciprocal justice, is a provision of the Social Security Agencies to the insured parties based on the contributions they have been paying during their security life. By the establishment of the basic pension, it is secured a minimum income for everybody, even in the case the conditions for receiving a pension from some social security agency are not fulfilled, while, by the extension of the reference time for the calculation of the proportional part of the pension in the total social security life, the pension is a proportional reciprocity by the Social Security Agencies to their insured parties for the contributions they have been paying during their working life and additionally, it is reinforced the social security conscience by the creation of motives for social security and therefore, for reduction of contribution evasion.

- It introduces the **Pensioners' Solidarity Contribution** which has the form of a restriction to a certain amount of pensions, aiming to the timely payment of the pensions and increasing the future reciprocity of the system. Consequently, those with high income and those who are safe in terms of work, are called to contribute to the proper operation of the system while the financially weak ones are released from the participation in the burdens of the system.
- To ensure the system's viability, since 01.01.2011 and every 2 years ,the National Actuarial Authority prepares **actuarial surveys** which are attested by the Committee of Economic Policy of the European Union, with the purpose the constant surveillance of the evolution of the national pension expenditure. It is expressly determined that the amount of the national expenditure for the basic, the proportional and the auxiliary pension, projected on the year 2060, cannot exceed the margin of increase of 2.5 percentage units of the Gross National Product with reference year, the year 2009.

- According to the provisions of the L. 1296/82, the Organization of Agricultural Security via a special account of “**pension for non insured over-aged persons**” grants every month a pension and health care to Greek citizens and expatriates who reside permanently in Greece, provided they fulfill the following conditions :
 - a) They have completed the 65th year of their age
 - b) They do not receive, they or their spouses in case of a couple, any pension or other periodical allowance by any other resource, unless this concerns :
 - A pension lower than the amount of the basic pension granted by the Organization of Agricultural Security (L. 4169/61).
 - A pension of the other spouse from the Organization of Agricultural Security
 - Allowances or other forms of financial reinforcements granted to disadvantaged persons from the special programmes of the Ministry of Health and Social Solidarity or any agency, domestic or foreign one.
 - c) Their annual personal or family income from any resources, including pensions, does not exceed the amount of the annual pension provisions granted by the Organization of Agricultural Security to a farmer or a farming couple respectively (L. 4169/1961)

We note that the Hellenic Social Security System provides for the grant of a **Pensioner Social Solidarity Allowance** which has been enacted for the first time by the l. 2434/1996. This allowance is a non reciprocal monthly provision to the age and death pensioners who have completed the 60th year of their age, as well as to the disability pensioners of all security organizations of main insurance (except for the Organization of Agricultural Security) regardless age limit.

The P.S.S.A. is completely funded by the State Budget.

For the implementation of the P.S.S.A. institution, income criteria have been set (income from pensions, personal taxable and family taxable income) which must be fulfilled cumulatively by the pensioner and which are re-adjusted every year.

For the year 2010, they have been formed as follows :

INCOME AMOUNT	P.S.S.A. AMOUNT
Up to 7.607,54 euro	230,00 euro
7.607,54 - 7.905,91 €	172,50 euro
7.905,92 – 8.104,76 €	115,00 euro
8.104,77 – 8.353,38 €	57,50 euro

THE RIGHT TO EMPLOYMENT / policies-programmes

According to the article 22 of the Hellenic Constitution, the State protects the social right to work and cares for the creation of employment conditions for all citizens. Consequently, high priority has the integration in the labour market of the groups also being in high risk of marginalization as the persons of older age. Regarding the employment of the persons of older age, for the achievement of the aim of active integration in the labour market, programmes have been applied, via which it is attempted the stay of older persons in the work and the social security system, the avoidance of premature retirement from work, the fulfilment of retirement conditions for persons near retirement age and the restriction of the unemployment percentage of the older ones.

A) Encouragement of employment in the private sector/provision of motives for employment/rehabilitation of the unemployed

➤ Programmes of subsidization of the security contributions that connect the hiring to work positions with the reduction of the non salary cost, via subsidization of the security contributions and they are addressed to many groups but they combine motives or favor also the participation of persons of older age (unemployed persons found at the stage near pension, women unemployed for long time, above 45 years of age, unemployed women above 50 years of age) :

- **Special 4-year Programme of employment promotion by subsidization of the security contributions, for the employment of 40.000 unemployed persons,**

- **Special 2-year Programme of Employment Promotion with Subsidization of the security contributions for the employment of 25.000 unemployed persons.**
- Programme of subsidization of enterprises for the employment of unemployed persons found at the pre-retirement stage for the employment of 2.500 unemployed persons who have not fulfilled the conditions for their retirement with an agency of main social security because they miss up to 1.500 stamps or up to five years for the completion of their age limit per case for their retirement and their last security agency has been the Social Security Fund (IKA) :
 - **“Programme of subsidization of enterprises for the employment of unemployed persons found at the stage near retirement”**
- B) Prevention of Dismissals / Maintenance of work positions**
 - Programmes for the maintenance of work positions and restraint of the dismissals by subsidization of the non salary cost that respects to the monthly employer contributions with emphasis attributed to the special groups of working persons with disability and working persons of 50 years of age or more :
 - **Programme of subsidization of 200.000 full-time work positions with subsidization of the employers' contributions for the maintenance of 400.000 work positions at least, for a period of eighteen (18) months in enterprises and in general employers of the private sector”.**
- C) Employment Programmes in the Public Sector**

Possibility to implement employment programmes in the public sector for **unemployed subsidized or long-term unemployed persons, of the age 55 to 64 years**, near the retirement limit with the purpose the fight against unemployment of persons of such category of age. Through such a measure it is achieved the conversion of the public expenditure of unemployment allowances, to coverage of the relevant cost of social work provision. Also, the unemployed persons of older

age may cover social needs and at the same time fulfill the conditions for retirement, given that there are difficulties in finding a n insured work at the private sector (so as to fulfill the required retirement conditions).

In particular, as prescribed in the *L. 3845/2010 (Off.Gaz. 65A/7.05.2010)* "Measures for the implementation of the support mechanism of the Hellenic Economy by the State Members of the Euro zone and the International Monetary Fund", the Employment Agency (OAED), may subsidize Temporary Employment Companies for the hiring of subsidized or long term unemployed persons of 55 to 64 years of age, for work at the public sector with programmes prepared by a decision of the Ministers of Labour and Social Security, Interior, Public Administration and Electronic Government and Finance, upon opinion of the OAED's Board of Directors.

Also in the *L. 3863/2010 (article 74 par.5)* it is prescribed the integration of the dismissed persons to the labour programmes of the long-term unemployed persons of 55 to 64 years, for work at the public sector as this is defined by the article 51 of the *L. 1892/1990 (Off.Gaz. 101A')* in deviation of the article 1 of the *L. 3812/2009 (Off.Gaz. 234A')*. Funding Resource LAEK.

D) Restriction of Dismissals

- Protection of the older employed persons from the risk of unemployment. By the *L. 3863/2010/article 74 par.7* it is introduced a restriction in the number of the older employed persons who might be dismissed in the cases of **massive dismissals** : the number of the dismissed persons of 55 to 64 years of age, cannot exceed ten percent (10%) of the total number of the dismissed persons. It should be noted that before the *L. 3863/2010*, there was no particular reference to this category of employees but only the simple and general reference in criteria or the section of the employees to be dismissed (article 15 of the *L. 2736/1999 Off.Gaz. 172A*).

Additionally, it is granted support of unemployed persons of older age who are fired from **certain enterprises** and who are entitled to select between : a) self-employment, b) new work position, c) re-training, d) special unemployment allowance and e) ordinary unemployment allowance.

E) Social Security Provisions / L. 3863/2010 "New Social Security System and relevant provisions, arrangements in the working relations"

RETIREMENT AGE LIMITS ¹/ Article 10

By the provisions of the paragraphs 1 to 17 incl. the age limits and the social security years required for the retirement due to old age, of the insured person of all agencies of social insurance, are gradually increased, in the context of reduction of the premature retirements and prolongation of the stay at work.

RETIRED PERSONS' EMPLOYMENT / Article 16

The Hellenic Constitution (article 5) provides for the possibility of rehabilitation in the labour market of persons who have already been retired. In the L. 3863/2010 relevant provisions have been made concerning the employment of retired persons.

For the old age pensioners of main insurance agencies and the State, who undertake a job, it is prescribed a suspension in the payment of the main and auxiliary pension, until completion of the 55th year of their age. After the completion of the 55th year, the above persons receive the amount of the main pension(s) that respect to thirty (30) daily wages of an unspecialized worker as this have been set on December 31st of the precedent year, while the amount of the main pension(s) that exceeds the thirty (30) daily wages of an unspecialized worker is paid reduced by 70%. The auxiliary pension is payable with no reduction.

¹ Relevant provisions are anticipated in the L. 3865/2010 (Off.Gaz. 120A/21.07.2010) "Reformation of Retirement System in Public Sector and relevant provisions"

MOTIVES TO STAY AT WORK / Article 25**Increases of pensions more than 35 years**

By the provisions of this article it is re-determined and becomes more favourable the increment percentage granted on the amount of the pension of the salaried insured persons until 31.12.1992 who retire after the enforcement of such law, with total security term more than 10.500 days or 35 years of security². Via the readjustments of the increment percentages the financial motives of the working life prolongation are further improved.

Voluntray exit programmes / Article 26

By such provision, the fictitious term prescribed in programmes of enterprises of the wider Public Sector for voluntary exit of their staff, is not recognised by the social security agencies of the Ministry of Labour and Social Security in order to establish a retirement right or increase the amount of pension. Given that the pre-mature retirements make worse the situation of the security system (financial burden for the security funds, reduction of resources), special conditions have been also prescribed for the modification of such article.

**MITIGATION OF THE CONSEQUENCES OF DISMISSAL /
INSURANCE / Article 74**

In the paragraph 4 it is provided for the working persons of 55 to 64 years of age, whose work contract is terminated, regardless whether this concerns individual or massive dismissals, and remain unemployed

² The increment percentage 3,3% which is prescribed by the provision of the par.1 of the art. 145 of the L. 3655/2008 for every 300 days of work and at most 900, effected by the IKA-ETAM Fund insured persons who have completed the 60th year of their age and have worked more than 10.500 days, is set to 3,5% while the increment by 1/50 of the amount of pension for each year of security after the 35th year, in case of the salaried persons of the rest social security agencies that is provided by the par.2 of the art. 51 of the l. 2084/92, is set to 2,5%. An increment of 2,5% is also granted to the State pensioners for each year of security after 35th and up to the 40th. Additionally, by the paragraph 4, it is provided that the above mentioned increments will be granted to those who establish a retirement right before 3.12.2010 given that after such date, it is placed on a completely new and unified base, the mode to calculate the pension of the total number of the insured persons.

during the following two months, to be self-insured, with participation of the employer in such cost :

- 50% of the self-insurance cost for insured persons of 55 to 60 years, for three years and
- 80% for persons of 60-64 years of age, for three years.

In the **par.5 of the same article** : for the coverage of the rest cost of self-insurance the Employment Agency may prepare programmes of financial support by which it will be provided :

- A) The undertaking of the remaining self-insurance cost (50% or 20%)
- B) The integration of the dismissed persons in the labour programmes of the long-term unemployed persons of 55 to 64 years for work at the public sector as this is defined in the article 51 of the l. 1892/1990 (Off.Gaz. 101A') in deviation from the article 1 of the l. 3812/2009 (Off.Gaz. 234A). / Funding Resource LAEK

Finally, in the **par. 6 of the same article** and with the purpose to maintain the work positions of the employees of 55 to 64 years of age, the Employment Agency may conclude programmes according to the article 18 of the l. 3833/10.

Additionally, the par.1 of the article 10 of the L. 2874/2000 (as specified by the no. F21/oik.1177 Ministerial Decision) provides that the persons who have been unemployed for twelve (12) consecutive months at least, 60 years old for the men and 55 years old for the women, who miss up to five (5) years for the establishment of a full pension right for the Social Security Fund (IKA), are entitled to ask for the **optional continuation of their insurance** until the completion of the minimum required number of insured days necessary for the award of a full pension, upon full coverage of the relevant expenditure from the resources of the Account for Employment and Vocational Training (LAEK) of the Employment Agency.

F) BUSINESS PROGRAMME "HUMAN RESOURCES DEVELOPMENT" (2007-2013)

The Business Programme "Human Resources' Development", aiming to the exploitation of the total human resources and the reinforcement of the social coherence, pursues the **facilitation of access to employment for everybody**, especially the persons being in higher risk of exclusion from the labour market. Regarding the persons of older age :

Thematic Axis of Priority 2 : "Re-inforcement of the adaptation ability of the human resources and the enterprises" / Aim : Planning and implementation of programmes in the relevant European Social Fund fields by social-economic agencies including the social partners, the representative Non Governmental Organizations and the professional organizations. / Category of Interventions : Improvement of the quality and productivity of work.

- It is provided the implementation of the action "**Encouragement of the active participation of the manpower of older age (active aging)**" in order to be combined the exploitation of the elders' experience and the transmission of knowledge to the younger ones.

Thematic Axis of Priority 3 : "Facilitation of access to employment" :

- It is provided the implementation of a business subsidization programme of the Municipalities for the creation of **5.000 new work positions of full-time employment by the hiring of unemployed persons of 55 to 64 years of age**, with the aim the confrontation of unemployment and the facilitation of the access to the employment of older age persons.
- It is implemented the "**Special Two-Year Programme of Promotion of Employment by subsidization of the Insurance contributions for the Employment of 25.000 Unemployed persons**"

(it has been referred hereinabove)

Thematic axis of Priority 4 : "Full integration of the total of the human resources to a society of equal opportunities"/Aim : Promotion of the social and professional integration of the groups / Prevention and

confrontation of the social exclusion of vulnerable population groups" /

Action : **"Local actions of social integration for vulnerable groups"** with the purpose the creation of new employment positions in order to be integrated in the labour market through exploitation of local resources. Among the targeted groups of such Action, will also be the long-term unemployed persons, above 50 years of age.

Thematic Axis Priority 4 : "Full integration of the total of the human resources in a society of equal opportunities" / Aim : Improvement of welfare to those needing assistance. Category of Interventions : Support

Actions to persons needing assistance, it has been co-funded services of the type "Help at Home" until 31.12.2010. It has been ensured the co-funding of the Programme and its continuation for the 2011 and 4.500 work positions of the persons working at the 1.050 structures of the programme.

The future viability of the programme will be ensured, among others, by the conversion of the present structures to Social Enterprises of Social Care based on the Law Draft being promoted for the social economy.

Also, in the context of EPANAD, co-funded are also the **Centers of Elderly's Daily Care**, until the end of 2010 at first. It has been approved the extension of their co-funding with Beneficiary the Hellenic Society of Local Development and Self-Administration. The act will also include Daily Care for persons with Special Needs and other Centers that provide relevant services.

G) Promotion of the Social Economy and facilitation of the establishment and operation of the social enterprises

Taking into account the possibility of the social economy (via non profiteering activities of commonly beneficial nature) to play a significant role :

- In the reinforcement of the employment and the social integration of persons who face serious difficulties of access to the labour market among which unemployed persons at the pre-retirement stage,
- Provision of social care in specific population groups, such as the elderly.

ΕΠΙΣΗΜΗ ΜΕΤΑΦΡΑΣΗ

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It is promoted a legislative initiative of the Ministry of Labour and Social Security for the promotion of social entrepreneurship.

THE MANAGER OF THE DIRECTORATE

EVDOKIA CHRYSANTHOU

Exact translation of the Greek attached document.

Athens 10.05.2011 The translator THEODOSSIA KAPELONI

