

REPORT ON THE COMPARISON OF THE AVAILABLE STRATEGIES FOR PROFESSIONAL INTEGRATION AND REINTEGRATION OF PERSONS WITH CHRONIC DISEASES AND MENTAL HEALTH ISSUES

BASED ON FIVE CATEGORIES OF SOCIAL WELFARE MODELS IN EUROPE

Greece: country report

Main legislative frameworks on chronic diseases, mental health and employment

In general, specific chronic disease categories are covered by the broader legislation on persons with disabilities and/or persons belonging to vulnerable groups. Particularly, the Law 2643/1998 outlines protective measures of employment for the various categories including persons with at least 50% disability, who have limited capability for professional employment due to any chronic physical or mental or psychological condition or deficiency. The national law on social economy and social cooperatives provides a framework for Limited Liability Social Cooperatives, which involves provisions concerning employment integration for persons with mental health issues (Law 2716/1999 on development and modernisation of mental health services; Law 4019/2011 on Social Economy and Social Entrepreneurship). Persons with chronic disease with disability rate over 67% are also singled out as a distinct group under the legislation on post-secondary education, as they could pursue their studies in higher educational institutions without entrance exams (5% per faculty or department).

Main legislative frameworks on disability and employment

- Law 2646/1998 - Organization and Operation of the National System of Social Care;
- Law 2643/1998 – Ensuring the employment of specific categories (establishment of the quota system for compulsory employment of persons with a minimum disability degree of 50% in private and public sector);
- Law 2716/1999 – Development and Modernization of mental health services (provisions for establishing Limited Liability Social Cooperatives);
- Law 3304/2005 on the Implementation of the principle of equal treatment regardless of race or national origin, religion or other beliefs, disability, age or sexual orientation. Article 9 of the law, however, does not consider as discrimination when the nature of specific tasks do

not allow for the employment of disabled people, given the implementation of reasonable accommodation;

- Law 4019/2011 on Social Economy and Social Entrepreneurship;
- Law 4074/2012 – Ratification of the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol;
- National Strategic Framework for Social Inclusion (2015-2020).

Policy provisions on mainstream and specialist employment programmes

The OAED is a main body in Greece for mainstream employment services. It has six specialised offices across the country, for “Special Social Groups,” which are in charge of services for groups considered vulnerable in terms of inclusion in the labour market. Unemployed persons with chronic diseases with a certified disability degree of over 50% can be included in this group. Specifically, the services of these specialised offices include career orientation guidance, psychosocial support and referral to mainstream employment and vocational training programmes.

Policy provisions on access to employment support

Disability certification plays an important role in the access to employment integration support since only persons with a certified disability rate of over 50% can access such support. In addition, when a person is recognised as “incapable of any gainful work,” she/he cannot access any work and work integration activities.

An authorized health committee, Disability Certification Centre, assesses health conditions of people with disabilities or chronic diseases and determines the degree and the severity of their impairment. The assessment is based on the Specific Disability Criteria (Disability Percentage Determination Integrated Table), according to a Joint Ministerial Decision (Government Gazette B’ 1506/4-5-2012). It is important to note that the assessment concerns the health or the severity of the disability of the person but not necessarily the person’s capacity to work. Even though the terms “capable to work” or “incapable to work” exist in the assessment procedure, they are not widely used, while the term “reduced capacity” does not exist. There are, however, terms such as “incapable of any gainful work” or (in rare cases) “incapable for particular types of work” that can be in use.

According to the Ministry of Health, there is a plan for changing the existing system through the implementation of the Disability Card, based on the International Classification of Functioning, Disability and Health (ICF), which means that the disability assessment will not be limited to a health

condition or an impairment, but will also include activity limitations and participation restrictions, taking into account environmental and contextual factors. Despite a comprehensive study on the implementation of this plan since 2006, and the supporting Information System since 2008, the implementation of the plan is pending. The state is attempting to put the plan into practice, making the appropriate interventions in all required fields.

Policy provisions promoting stakeholder cooperation and integration of services

The coordination among different sectors and the continuity of support have not been adequately achieved in national employment integration services, which constitutes a significant obstacle to labour market participation. Knowledge and information sharing among civil servants, social workers and health professionals is poor. However, some previously implemented programmes such as TOPEKO (Local Actions for Social Integration of Vulnerable Groups), co-funded by the ESF and the Ministry of Social Security and Labour Welfare, attempted to adopt an integrated service approach, as they combined vocational counselling, training and internship in specific and relevant subjects. TOPEKO projects were based on a partnership between private and public sector and an integrated effort of municipalities, consultancy businesses, and vocational training centres. The aim of TOPEKO was to provide integrated support services to unemployed people from vulnerable groups who were registered at the Manpower Employment Organization (OAED).

Policy provisions promoting persons-centred approach and individualised service provision

A person-centred approach is not given a priority in the Greek system of employment activation. In fact, individual qualifications and skills may play a secondary role in job placement because the system is built in a way that persons with a recognised disability are given points based on the severity of their conditions or other factors, and those with the highest score can benefit from protection in job placement. Thus, selection for a protected job may be based not only on professional and personal competences, but on the procedural aspects of the system. Employers, in turn, cannot select an employee based mainly on the requirements for specific job vacancies, which creates further complications as they can appeal the placement and delay the recruitment.

Policy provisions on localised and accessible employment service provision

OAED has seven Regional Directorates and local PES. The latter have gone through a reform to become more integrated with the central PES. This has been done to create a unified employment

service that would save time on administrative issues and provide one-stop-shops for unified employment and social insurance services.

Employment support in the open labour market

Support programmes:

- Local Actions for Social Inclusion of vulnerable groups (TOPEKO) aimed at promoting the employment of persons from vulnerable social groups (registered as unemployed with the OAED) in community businesses, self-employment, startups, or social cooperative enterprises. TOPEKO provided funding for development partnerships involving counselling, training and job placement for different categories of beneficiaries. From the total of 131 development partnerships established in the context of TOPEKO, 36 included persons with disabilities as target group, 8 also targeted persons with mental health issues and 1 included persons with various types of chronic health conditions. The OAED was in charge of facilitating different types of training for jobseekers. For instance, through the TOPEKO programme it was possible to obtain basic professional training or to acquire new professional skills, including education in the field of entrepreneurship and social economy, and to receive psychosocial counselling and business advice. Different training programmes were possible:
 - Pre-training programmes – intervention activities for vulnerable groups (e.g. professional terminology, computer skills, information on legal issues);
 - Subject-specific practical training (i.e. internship);
 - Certified training and lifelong learning programmes;
 - Vocational training in specific educational subjects in specialized social and professional integration centres;

However, the implementation and funding of training programmes is difficult due to financial constraints. Thus, training opportunities are scarce.

- Local Plans for the Development of Employment (TOPSA) were implemented by the regions with funding from the Operational Programme on Human Resources Development (EPANAD). Each programme was tailored to the needs of local labour markets and targeted the general population, not specifically vulnerable social groups.

Protections and privileges:

- Persons with disabilities or chronic illnesses are exempted from the legislation concerning the suspension of employees in the public sector due to the disestablishment of working positions.
- In the private sector, employees with a disease that requires blood transfusions and HIV patients are entitled to an additional leave. In the public sector, employees with chronic diseases are entitled to paid sick leaves and a reduction of the working hours.
- Law 3846/2010 grants the right to “telework” and allows the conversion of a regular employment into telework.
- Employees dismissed due to a physical and/or mental disability can be re-appointed within five years from their dismissal after the assessment of the Health Committee confirming that the person has the physical and/or mental capacity to perform their duties.
- Employers are required by Article 10 of the Law 3304/2005 to take all necessary measures concerning reasonable adjustments and accessible workplaces for disabled people, as long as this does not constitute a disproportionate burden to employers. Funding for workplace adaptations is made available through ESF funds, managed by the OAED, which announces call for such funding schemes.

Lack of protection:

- Persons with a disability degree over 50% cannot benefit from compulsory recruitment under the quota scheme for seasonal jobs (e.g. tourism);
- The lack of specific provisions for professional reintegration hinders the return to employment, especially when the person is absent from the workplace for a long time.

Employment support through Social enterprises or social cooperatives

The main body responsible coordinating, monitoring and developing the social economy in Greece is the Special Service for Social inclusion and Social Economy (EYKEKO).

The Law 4019/2011 provides a general legal framework for social economy and social cooperative enterprises (Kinoniki Sineteristiki Epihirisi, KoinSEp) in Greece. Two categories of KoinSEp can be distinguished in relation to work integration:

- Inclusion KoinSEp – aimed at the socio-economic inclusion of vulnerable groups mainly through work integration. In such entities, at least 40% of the employees should come from social groups at risk.

- Social Care KoinSEp – aimed at providing social care services to people with disabilities or chronic illness, to children, to the elderly, etc. Although this category of KoinSEp is not directly linked to employment integration, it can be involved in the provision of counselling services to persons with disabilities and chronic conditions.

Furthermore, the Law 2716/99 provides a framework for Limited Liability Social Cooperatives (Koinonikos Sineterismos Periorismenis Efthinis, KoiSPE). These are work integration social enterprises for people with psychosocial problems, which simultaneously provide mental health services. Members of KoiSPE can include: at least 35% of persons with psychosocial disabilities, up to 45% mental health professionals, and up to 20% other organizations or natural persons. KoiSPEs are supervised by the Ministry of Health, can engage in any commercial activities and have an independent legal and tax status as limited liability businesses. The law gave them exemption from corporate taxes except the Value-added tax; however, financial support for establishing and maintaining business activities is limited and inadequate due to budgetary issues. Users in KoiSPE may earn a wage without losing their benefits. There are currently 23 KoiSPE in Greece.

Employment support through sheltered work

Although there is a legislative provision for sheltered employment (in the form of sheltered workshops), it is not implemented for persons with chronic diseases. However, sheltered workshops and occupational rehabilitation centres targeting persons with mental health issues or other types of disability are operated by non-profit organizations, day-centres supervised by public hospitals, etc. The focus on transition to the open labour market in sheltered workshops may vary depending on agencies in charge.

Incentives for persons with NCDs to participate in activation programmes

Participation in some employment programmes implemented by the OAED (e.g. programme for temporary placements in public sector within local communities or Voucher programme for unemployed to combine training and work) can provide extra points to unemployed persons with disabilities.

Under the Law 4331/2015, Article 13, persons with disabilities entitled to welfare benefits can participate in paid training programmes or in programmes promoting employment, including self-employment programmes or social cooperatives offering them regular incomes, without losing their

welfare benefits. In practice, however, the payment of benefits has been problematic due to budgetary constraints.

Greek laws clearly state that persons with disabilities eligible for welfare benefits can participate in social cooperative enterprises as workers, without losing their benefits. However, there are no clear specifications about what happens to disability pensions. Therefore, this can be considered as a disincentive for many persons who have a lower rate of disability and are eligible for disability pensions. This can create confusion and result in the fact that people decide not to work and continue receiving disability benefits.

Financial incentives for employers to recruit/retain persons with NCDs

There are no wage subsidies currently paid to employers for hiring persons with disabilities, due to the impacts of the crisis. There are still, however, subsidies in terms of employers' insurance costs.

- A 3-year special programme is implemented by the OAED with an aim of promoting the recruitment of the unemployed from special vulnerable groups through a subsidy paid to an employer, corresponding to the total social insurance contributions' amount. The programme aims at recruiting 2,300 unemployed people from vulnerable social groups (2.200 full-time jobs, corresponding to 2.080 positions for registered unemployed persons with official disability levels of over 50%).
- Another subsidy programme is also in place for 800 new entrepreneurs with disabilities, ex-drug addicts and ex-convicts aged 18-64 years (600 beneficiaries were persons with disabilities).
- Supplementary to the above mentioned programmes, subsidies are also available for 50 jobs involving the ergonomic arrangement of workplaces for people with disabilities.

These subsidy programmes are limited in time and it is unclear whether the completion of the particular programme will entail the absence of financial support to employers or whether the implementation of another similar programme will follow.

Non-financial incentives for employers to recruit/retain persons with NCDs

In 2014, public consultation for the national action plan for corporate social responsibility was completed, but only a draft of the National strategy of Greece for Corporate Social Responsibility is currently available online. However, the national Corporate Social Responsibility network (CSR-Hellas) representing Greece at European level has been established. More than 60 companies are

members of the network. The network publishes and disseminates both good practices/actions and Social Responsibility evaluation reports of specific members (not an overall evaluation report).

Duties of persons with NCDs

There are no obligations to undergo employment activation programmes before being eligible for disability benefits.

Duties of employers

There is a legal obligation for private companies to ensure that 8% of their staff consists of persons from vulnerable social groups protected by law. Persons with a disability degree of over 50% may fall under the quota (2%). The law concerns companies that have more than 50 persons in staff and have positive financial results in the previous two years.

In the public sector, quota for recruiting persons from vulnerable social groups equals to 5%. Persons with disabilities account for 3/8 of this quota amount. In private and public sectors, persons have to ascertain that they fall under the category of protected employees from vulnerable groups. Public sector entities (public enterprises and public institutions) private entities (private law organizations) belonging to the State or to the local authorities and organisations providing services in the public interest are obliged to cover 10% of their staff with “protected persons” corresponding to 3% for persons with disabilities. Additionally, public services, local authorities and public bodies shall employ “protected persons” to cover 20% of specific jobs (e.g. guards, porters, gardeners, cleaners), but there is no provision for the precise percentage of positions obtained by persons with disabilities.

Eligible persons for participating in compulsory recruitment through the quota system have to be registered as unemployed with the OAED and to have a certified disability of over 50%. Special requirements apply to certain categories of professions (e.g. lawyers, educators). Furthermore, according to Law 3528/2007 and Law 4210/2013, recruitment in the public sector requires that the health condition of the prospective employee allows her/him to perform the required duties. A lack of physical abilities does not prevent the placement, provided that the employee has appropriate and justified technical support in order to perform the duties related to the position. The health and physical fitness of candidate employees for related positions are certified by a physician or a general practitioner and a psychiatrist, based on a referral document, which describes the tasks related to job posts. Issues arising from the above mentioned laws concern: (a) the reduced coverage of

expenses from the Insurance Institute in order to secure the necessary devices/adaptations, (b) existing infrastructure in the workplaces, (c) adequacy of the physician/general practitioner and the psychiatrist to assess accurately the requirements and duties of the positions and therefore the suitability of disabled people for specific jobs.

Due to the fact that compulsory employment applies to companies that are profitable, not many companies actually were subjected to quota fulfilment due to the financial crisis. In addition, an inefficient implementation of the law leads to non-compliance of companies with the quotas, especially in the private sector.

Under the Law 2643/1998, the government is supposed to issue a call for job vacancies and job placements for socially vulnerable groups on yearly basis; however, only a few have been issued since 1998.

General and specialised employment services for persons with NCDs

Also, information about available working positions or employment programmes can be provided by the National Confederation of Persons with Disabilities or other patients' associations. Different organisations can provide such services to their target groups. For example:

- Panhellenic Union for the Psychosocial Rehabilitation and Work Integration provides support in finding and maintaining employment to people with mental health issues.
- Association "Hellenic Pulmonary Hypertension" provides services for professional (re-)integration of persons with respiratory diseases.
- Actions for raising awareness and fighting stigma usually take place as parts of broader strategies/programmes or as initiatives undertaken by NGOs and patient associations. They usually refer to specific health conditions (e.g. breast cancer, depression) and primary health care (not focusing on employment issues).
- Patients' organisations also provide information support, guidance and consulting about the rights of persons with health conditions and about available supports. The National Confederation of People with disabilities, for instance provides information to its members about compulsory recruitment, information about labour market integration, etc. and helps them in filing complaints with the Ombudsman (e.g. complaints regarding discrimination in recruitment, reasonable accommodation or other).

In general, the situation in Greece remains problematic with regards to the employment of persons with disabilities and chronic diseases due to economic difficulties. The lack of state support goes hand in hand with a high reliance on family support and informal arrangement allowing individuals to keep their jobs (e.g. appointments and consultations with doctors over the phone so that patients do not have to leave their work). This is due to that fact that workers are afraid of losing their jobs and place a higher priority for work rather than health.