

Solidarity with Migrants
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Do you know your Labour Rights?

Joint the struggle of locals and migrants

Solidarity with Migrants is an assembly of *locals-and-migrants*, independent of the State, official Organizations and NGOs, which seeks to build relationships of mutual aid, solidarity, and political opposition to racism of fascists, employers, Greek State and European Union.

This text is in not a legal document but a simple guide about labour rights. If you want to find us check our contacts at the end of this document

Know Your Labour Rights

1. The boss did not pay me, I am still waiting for my money, what can I do?

Basic Steps

- A. **Speak to other workers** in your working place.
- B. **Make sure you first complain directly to your boss.** This is an important point for any future actions.
- C. **Ask for support and advice from people who you trust, other workers.** Also ask to unions, associations and in general people who are in solidarity with workers.
- D. **Look for a lawyer** who knows about labour rights. There are many lawyers but not all of them know about labour rights.

After those steps you can also:

- E. **Complain to the Labour Inspectorate (SEPE).** SEPE (in greek Επιθεώρηση Εργασίας) is not a tribunal, it is the place where you go to complain about your work, about payments, racist or sexist behaviours, etc.
Be aware, SEPE will check only the official documents your boss registered such as your contract in the official contract database (in Greek Εργαση / ERGANI). **Remember, SEPE can only take measure against your boss if there are dissimilarities in the official documents.** For example, SEPE can request to your boss an official written explanation and additional documents about your work.
- F. **Take your boss to court!** The court is the only way to officially ask for your money. By practice the common way to ask for your money is to file a case against your boss in court. You can only ask to SEPE to prosecute your boss if did not reach any agreement with your boss and you did not get your money.

Remember:

1. **First the SEPE complaint and after the court case.**
2. **You can ask for your money till 5 years after each month you worked.**
3. **Remember if you are fired the deadline for legal action is only 3 months.** If you miss this deadline, you have 6 months in total to ask for the basic compensation.

2. I got injured in a work accident, what can I do?

Basic Steps

- A) According to the injury call the emergency or go to a hospital. **Make sure you or your colleagues inform your boss / supervisor about the accident.**
- B) **Ask for support and advice to people who you trust, other workers** and also ask to unions, associations and in general people who are in solidarity with workers.
- C) **If you are able to record and document what happened take photos, video, location, names of people present at the time of the injury.**
- D) **When you are at the emergency or hospital / clinic, ask for a written report** about your health conditions, making sure you mention date and name of the working place.
- E) **If your boss asked you to sign anything – do not sign it until you have a lawyer.**
- F) **Look for a lawyer** who knows about labour rights. (There are many lawyers but not all of them know about labour rights).
- G) **After you get the documents from the hospital/clinic you have to go to EFKA to officially report the incident.**
- H) If you want to complain about lack of security measures related to the incident go to SEPE.

Remember

1) To photograph the place of the accident, note down names of witnesses or find other colleagues who were present and generally try to keep proofs of what happened.

2) For SAFETY AND SECURITY in your workplace

- **The boss is responsible to make sure you and other people at work are safe.**
- **Workers are not responsible for the general safety of the work place.**

The boss is responsible to

1. Implement every suggestion of the technical and health inspector's work and facilitate their work within the company.
2. Supervise the proper implementation of health and safety measures.

3. Ensure the preventive and periodic supervision of their workers health, based on the occupational risks in which they are exposed each time.
4. Take collective protection and prevention measures for professional risks.
5. Inform employees about occupational hazards from their work and about the relevant legislation.
6. Large companies should have a Security Technician.

Some Basic Info about Contracts

1. How can I check if my boss officially registered my contract?

The working contract in Greece doesn't need to be in a written form, an oral agreement is enough, but the boss must declare it to Ministry of Labour. To check if the contract is registered, you can check in ERGANI (in Greek Εργανή) with the TAXISNET user name and password. ERGANI is the database of all workers at the Ministry of Labour.

2. I have an agreement with the boss to get paid a certain amount but in the contract he gave me there is a lower amount, why?

EXAMPLE: I agreed to work for 1100 euros per month. On the contract is written only 400 euros per month. The boss pays me 400 euros through bank transfer and 700 euros cash.

Check in the EFKA website how many hours are declared and how many taxes are paid. You can access the EFKA website with the TAXISNET user name and password or, with the same credentials, you can access the IDIKA website. In the case of irregularity, a written complain can be submitted to the local EFKA office. In the complaint you can explain for how many hours are missing.

As written above

a) Ask for support and advice to people who you trust, other workers and also ask to unions, associations and in general people who are in solidarity with workers.

b) Look for a lawyer who knows about labour rights. (There are many lawyers but not all of them know about labour rights).

3. What about Leave, Christmas and Easter Allowances?

The Christmas and leave allowance have to be paid by 31st December each year, and the Easter allowance by 30th of April each year.

Allowances validity period

- **Christmas** allowance from 1st May to 31st December
- **Easter** allowance from 1st January to 30th April
- **Leave** allowance is based on the time you have worked with your boss

If you worked less than the entire allowance's period you can still ask for a percentage based on how many days you worked.

4. I am always working overtime, I am always working during the weekends, but I am paid the same of when I work during the week, why?

A) If you work at night between 10pm and 6am, the wage is 25% higher. On Saturdays the wage is 30% higher. On Sundays, and holidays the wage is 75% higher. If you work more than 5 hours on Sundays, you can ask 1 day off during the following week (Monday – Friday).

B) Every 8 hours you have the right for a break minimum 15 minutes max 30 min, **but that is not counted in the working time.**

5. Why is important to know how long is your contract?

- For contracts without time limitation or permanent contracts, if the boss decides to interrupt it, you have the right to get a compensation, but only **if you have worked for at least 12 months.**
- For short-term contracts. Bosses can use short-term contracts only if they can prove your work is need for a specific time. For example, in the case you worked during the summer season in a hotel. In all these cases, there is a procedure by which you can ask to get the same job the next year. **To get all the details you can contact us (check the contacts below) or τοπικό συνδικάτο εργαζόμενων στον τουρισμό (tourism workers union).**

Some Basic Info about Social Insurance

1. How can I check if my boss pays my social insurance?

A) You can check how much social insurance your boss pays using your TAXISNET user name and password on the EFKA's website check the section named in Greek: λογαριασμός ασφάλισης. In the website you can see how many days per month are paid.

Be Careful! It is very common that bosses pay workers only few days per month. The website is updated every month.

B) In case you find some days missing on the EFKA website, you can complain to the local EFKA office.

C) On the website you can also check the tax code of your boss. In case you have always worked for the same boss and there are different codes, you can complain to EFKA and SEPE.

Other Questions

1. Can an undocumented person work in Greece?

- A) You are not allowed to work without documents but if in a court you can prove you have worked you have the right to be paid.
- B) So, even without a contract, you can still take your boss to court to get your money back. If you win the trial, you can get the minimum wage in Greece: 780 euros per month including tax.

2. What can happen if you work with the papers of someone else?

This is very common but it has risks. Depending on your legal status, this can have consequences for you and other workers.

For example, the boss can report it to the police and undocumented people can face detention and deportation.

3. Middlemen often make copies of workers' documents and give them to other undocumented people. What can I do?

Be careful, because in case you are taken to court, you need witnesses (other workers) that can prove the middlemen gave your documents to other workers without your consent.

4. Often people don't even know who the real boss is, as there is a system of mediators, subcontractors, and middlemen.

If you want to denounce it to the competent offices, you need witnesses (other workers) to prove that you have worked in a certain company, during a specific period, dates, etc.

WHAT IS SEPE? AND WHY IT IS IMPORTANT?

SEPE (in Greek Επιθεώρηση Εργασίας) is not a tribunal, it is the place where you go to complain about your work, payments, racist or sexist behaviours, etc. In general, making a complaint to SEPE about your working condition is a way to put pressure on your boss, and in some cases, this helps to get your money and better working conditions.

1. My boss has changed the working conditions and now it is much worse at my workplace, what can I do?

If your boss forces you to work under worse conditions than the one declared in the contract, this is called *mobbing*, and it is against the law. You have the right to complain to SEPE and in some cases ask for compensation. In addition, you can bring your boss to court.

2. My boss is racist and has sexist behaviours towards me and other workers during the work time and in our online communication, what can I do?

You can bring your boss to court and also complain to SEPE. In SEPE there is a dedicated office for reporting such racist, sexist and other abusive behaviours.

3. We are many workers and we want to complain about our working conditions, is it possible to do a collective complaint to SEPE?

A) A union can start this process, but usually complaints are individual. SEPE can decide to put together different cases if similar complaints concern the same boss.

B) Public servants of SEPE have access only to the information declared in ERGANI, they don't accept testimonies, as SEPE is not a court.

Basic Info about complaints to SEPE

- **You can make a complaint when:**
 - a) Working schedule is not the one declared on the contract
 - b) Working conditions are worse than what is declared on the contract
- **You need to find witnesses [other workers] who can confirm how many hours and how many days you have worked**
- **All complains about working issues can be addressed until 5 years after each worked month**
- **Be careful, also undocumented people can complain to SEPE, but it is risky, because they could be reported to the Ministry of Migration / Police**

FOR DIRECT SUPPORT AND ANY QUESTION CONTACT US!

e-mail: solidaritymigrants@riseup.net

Facebook: [solidaritymigrants](https://www.facebook.com/solidaritymigrants)

Twitter: [@MigrantsSoli](https://twitter.com/MigrantsSoli)

Instagram: [@solidaritywithmigrants](https://www.instagram.com/solidaritywithmigrants)

Website: <https://solidaritywithmigrants.org/>