

What is an Apprenticeship?

Apprenticeship contract/ training agreement:

One of the parties (the employer) undertakes the obligation to offer to the other party (the apprentice) the needed empirical knowledge in order to practice a specific profession. This also applies to public field.¹ Apprenticeship contract in **public**: public services/ courts/ academic institutions.

Types

The agreement can be characterized as ‘true’ when it mainly aims to the education of the apprentice or as an ‘employment contract’ when it mainly aims to productive work. The characterization of the agreement is up to the court.

The essential element of a “true” apprenticeship contract is the provision of education to the apprentice. However, the work provided by the apprentice does not aim to carry out production work, whereas it takes place for educational purposes and the familiarisation of the apprentice with his/hers profession or art. In Greek Law there is no specific regulation regarding this type of the apprenticeship agreement. The applicable law are the provisions of labour agreement which are included in the Civil Code. These provisions are applied by analogy provided that they are compatible with the nature and the purpose of the agreement. That being said, the provisions of labour law regarding the following matters are not applied: time limits of labour, legal pay, termination of the agreement, redundancy pay etc.

In contrast, when the apprentice provides work to a company, in pursuing at the same time the acquisition of knowledge or skills, the contract is a dependent employment agreement. In this case, learning a trade by the apprentice comes as an automatic consequence of the implementation of the contract and it does not constitute a special obligation of the employer (**ΑΠ 513/2019,918/2017,780/2017**).

Difference between the two parties:

Employer: offer his knowledge and the agreed salary (the salary may be less than the one offered to an employee). He is also responsible for the hygiene conditions and the safety of the work facilities.

Apprentice: learn empirically the profession and offer his work. The apprentices should have excess to consulting services.

Competent body: offer the needed information about rights/obligations of both parties. There should be a specific provision for the **leave of absence** (ἀδεια). The apprentice may ask for more days off work if there is an educational purpose (exams).²

Rights:

You’ll have the same rights as nationals of the country you’re working in when it comes to working conditions, social security, and payment. There will be changes to the rights and status of UK nationals living and working in the EU now that the UK has left the EU.

Common Ministerial Decision No 26385/2017: Quality framework for apprenticeship

¹ ΟΛΑΠ 18/2006

² <http://www.oaed.gr/epas-employers>

art. 5

Participation of the employers to the apprenticeship program

- a) The employers that take part in the apprenticeship program must provide ideal conditions for the education at the workplace and also have the appropriate means and equipment. They must appoint an instructor for the apprentices.
- b) They must fulfill the necessary hygiene and security conditions for the employees. They must provide the employees with all the necessary personal protective equipment during the education.
- c) The employers must inform the apprentice regarding the activities, the work tasks and sectors. They must integrate the apprentice smoothly in the work environment.
- d) The employers recognising their role as a supplementary educational structure, contribute to the acquisition of personal skills and the shaping of work culture of the apprentice.
- e) The employers abide by the terms of the apprenticeship agreement and the terms of the learning agreement.
- f) For the implementation of the education program of apprenticeship, they can participate entities of the public sector, natural persons, private legal persons, private companies. They are called “employers” in the framework of this common ministerial decision. The following entities are exempted:
 1. Temporary employment agencies
 2. Night clubs
 3. Companies that provide cleaning and security services
 4. Gambling operators
 5. Any business in which the control of the education by the competent entity is not possible
- g) The maximum number of apprentices per employer depends on the number of employees, as it is depicted in the staff table which is addressed to the Labour Inspectorate. In particular:
 1. Sole proprietorships, with no employees, can accept one (1) apprentice.
 2. Employers that employ 1-10 people can offer apprenticeship positions that correspond to 25% (1-2 people) of their employees.
 3. Employers that employ more than 10 employees can accept apprentices who correspond to 17% of their employees. The maximum number of apprentices is 40.
 4. Employers that employ more than 250 employees can accept apprentices who correspond to 17% of their employees per branch. The maximum number of apprentices is 40.
- h) For the employers that are certified as apprenticeship providers in the workplace, awards may be established or other incentives may be offered in order to recognize their participation to the program.
- i) It is encouraged the collaboration between the employers and the educational structures regarding the education that they provide by, indicatively, a specialist’s visit or/and the provision of equipment for a class.

art.7

Work and learning conditions of the apprentice

- a) Rights of the apprentices.

The apprentices have all the rights according to the establishment followed for the students of OAED schools, the relevant legislation and the agreement.

Indicatively:

 1. In case of absence due to sickness, articles 657-658 of the Civil Code are applied.
 2. They have the right to education in accordance with the study program, which leads them to specific learning outcomes, which are supplemented accordingly by the educational structure.
 3. They have the right to consultancy services prior to, during and after the apprenticeship program, at workplace or the competent consultancy agencies of each Ministry.
 4. They have the right to be informed about their labour rights, with the liability of the educational structures.
- b) Obligations/Code of Conduct for the apprentices at the workplace
Basic principles that the apprentices must follow, are the following:
 1. they must follow the apprenticeship time
 2. they must carry out the tasks, which are delegated by the educators, according to the study program of the apprenticeship
 3. they must abide by the hygiene and security rules, as they are foreseen by the employer

4. they must respect the employer's property
 5. they must work harmonically with the other staff
 6. they must not create problems with the customers or the associates of the employer
 7. after the conclusion of the apprenticeship, they must take part in the assessment procedure.
- c) Holidays/absences:
Unjustifiable absence of the apprentice from the workplace is not permitted during the apprenticeship.
Only in case of holidays or sickness.

ATTENTION!

According to Article 103 of Greek Constitution, staff hired in the public sector overall, via limited time private law contracts, cannot get permanent positions without any legal relevant act (**ΑΠ 513/2019, Εφετείο Πειραιώς αριθμός απόφασης 118/2019**)

Apprenticeship contracts (Training Agreements, under no circumstances, cannot be characterized as private law permanent contracts. They consist a different labor force category than the permanent staff (e.g. of a law firm). In case of an invalid contract, they are **not** entitled to legally demand any sum of money. The principle of equal treatment and the rule of unjust enrichment cannot be applied. (**ΑΠ 110/2017**)

SOURCES:

- <http://www.nbonline.gr/journals/7/volumes/891/issues/1557/lemmas/4903366>
- ΑΠ 653/2019
- ΑΠ 1805/2017
- ΑΠ 918/2017
- <http://www.oaed.gr/documents/10195/1214500/%CE%A0%CE%91%CE%A1%CE%91%CE%A1%CE%A4%CE%97%CE%9C%CE%91+%CE%99a-%CE%95%CE%A0%CE%91.%CE%A3-15-2-2019.pdf/472e7961-b8c0-49b7-8ff0-0bcd4469942e>

Education Program: activities and projects included to Training Agreement

The employer undertakes the obligation to offer to the trainee the required empirical knowledge according to a specific program which leads to the certification of the obtained skills.

Calendar: specific document/form where the duties of the trainee are being written down every week.

Terms:

- Rights and obligations of trainees should be protected by the law.
- Person in charge: responsible for the information of the trainees for the rights and obligations of both parties and able to provide them support.
- Access to guiding and consulting services should be guaranteed to trainees.
- Trainees should be protected in case of bankruptcy of the company.

Case Law

1. ΑΠ 1063/2019

The qualification of an apprenticeship agreement as true or as employment contract is up to the court. The court after the evaluation of the substantiated facts of the case, it gives the right legal classification to the agreement, without being bound by the classification that the parties have made in the contract. This also applies to employment relationships in the public sector.

2. ΟΛΑΠ 18/2006

The essential element of a “true” apprenticeship contract is the provision of education to the apprentice. There is no specific regulation regarding this type of the apprenticeship agreement. The applicable law are the provisions of labour agreement which are included in the Civil Code. These provisions are applied by analogy provided that they are compatible with the nature and the purpose of the agreement. That being said, the provisions of labour law regarding the following matters are not applied: time limits of labour, legal pay, termination of the agreement, redundancy pay etc.

Legislation

- 1. Art. 2 par. 6 of Law 3845/2010:** « Unemployed up to the age of 24, who are registered in OAED, are able to work at a private company and in general at an employer, by signing a work-experience contract with duration no more than 12 months. During this time, their gross earnings correspond to the 80% of the minimum wage and they are insured for pension and health in IKA, and these social security contributions are paid to IKA by OAED...»
- 2. Art. 74 par. 9 of Law 3863/2010:** « Young people aged 15-18 years old can sign special apprenticeship agreements with employers. The duration of the agreement is up to 1 year. The apprentices earn the 70% of the minimum wage.»
- 3. Art. 43 of Law 3986/2011:** « Young people aged 18-25 years old can sign work-experience contracts with employers. The duration of the contract is up to 24 months and their salary is up to 20% less than the salary of a newly-recruited with no previous work experience on the same sector.»
- 4. Circular No 24176/730/2011:** « The work-experience contract is concluded in writing and must be submitted at OAED and SEPE of the seat of employer, by the next day of the conclusion of the contract at the latest. The employers that conclude work-experience contracts are obliged to not have reduced their personnel the last three months prior to the conclusion of the contract, as well as during the contract...»
- 5. Art. 34 of Law 3386/2005, Circular No 30818/2006:** « Third-country students that take part in traineeship programmes in the field of their studies, based on intergovernmental agreements, are granted residence permit. The residence permit provides access to labour market, for six-month period, with the possibility of an equal extension, if they have previously received a special entry visa».

Safety:

- The European emergency telephone number is 112.
- Police number: 100
- Ambulance: 166

Visa:

EU nationals do not need a visa to visit Greece, only a valid passport or identification card (issued by the home country). You have the right to live in the EU country where you are studying for the duration of your studies if you:

- are **enrolled** in an approved educational establishment
- have **sufficient income**, from any source, to live without needing income support
- Have **comprehensive health insurance** cover there.

National authorities may not require your income to be above the level that would qualify you for basic income support.

You could lose your right to stay in the country if you finish your studies and cannot prove you are working or have sufficient resources to support yourself.

According to the Greek Immigration Law; all non-European Union students should acquire a **student visa**, which is valid for 3 months. If their stay exceeds this period, they have to apply for student residence permit. A worker from a non-EU country must first obtain a visa to enter Greece and then apply for the residence/work permit once in Greece. They must obtain a work permit prior to the start of their employment activity in Greece.

- Within 30 days of arrival in Greece, the visa holder must apply in person for a residence/**work** permit at the local municipal office. You'll need to contact your local Greek embassy or consulate for details, but the papers generally required for a National Work visa are a valid passport, your contract (or offer) of employment or proof of enrolment at an approved educational establishment, proof of comprehensive health insurance and a criminal background check. You need to prove that you have sufficient resources to support yourself without needing income support.

You can apply for a Greek Schengen visa 90 days before your planned trip. Usually the visa application process takes a minimum of 5 working days; therefore you are advised to apply 3 weeks in advance of your planned trip.

For more information visit the official site of Hellenic Ministry of Foreign Affairs: <https://www.mfa.gr/en/visas/>

Health Care:

As an EU citizen, if you unexpectedly fall ill during a temporary stay in another EU country you are entitled to any medical treatment that can't wait until you get home. You have the **same rights to health care as people insured in the country you are in**.

If you go to another EU country for your studies, research work, a work placement or vocational training, you must have comprehensive health insurance in your host country.

- If **you are employed in your host country**, you will need to subscribe to a local healthcare scheme there. Some PhD students may be considered resident workers and can be required to subscribe to the local healthcare scheme or take out private health insurance.
- If **you are sent for a temporary period** to a university or research institution in another EU country by your university or research institute of origin, then you will remain under your home healthcare scheme for the time you are posted. Before leaving, you should apply for the EHIC card.

Check with your health insurance provider or with the National Contact Point³ in your home country whether they will cover the cost of your healthcare abroad for the full duration of your stay. If they do, administrative procedures can be simpler if you have a valid European Health Insurance Card (EHIC).

They can also inform you about: a) **the healthcare system** of that country, you will be hosted and how they ensure quality, safety, and compliance with national standards, b) **whether a particular provider is registered** and authorized to provide specific medical treatments, and which quality and safety system covers that provider and c) **patients'**

³In the link below you can find more information about your National Contact Point:

https://europa.eu/youreurope/citizens/health/planned-healthcare/get-more-info/index_en.htm

rights in that country, including information about your options if something goes wrong or you are not happy with the medical treatment you receive.

However, some national health insurers will only cover the costs of your healthcare in another EU country for a limited time. This is often the case for mature students (older than 28 or 30) and workers on training abroad. If this is the case for you, you will need to register for state healthcare in your host country or to take out private health insurance.

How to apply for a European Health Insurance Card:

The EHIC is a free card that gives you access to medically necessary, state-provided healthcare during a temporary stay in any of the 27 EU countries, Iceland, Liechtenstein, Norway, Switzerland and the United Kingdom, under the same conditions and at the same cost (free in some countries) as people insured in that country.

To be eligible for a card, you must be insured by or covered by a state social security system in any Member State of the European Union, Iceland, Liechtenstein, Norway, Switzerland or the United Kingdom. **Each separate member of a family travelling should have their own card.**

People from non-EU countries who are legally residing in the EU and are covered by a state social security scheme are also eligible for a card. However, nationals from non-EU countries cannot use their EHIC for medical treatment in Denmark, Iceland, Liechtenstein, Norway, Switzerland and the United Kingdom.

The Cards are issued by your **national health insurance provider**. You obtain a card by contacting **the health insurance institution where you are insured** and which is therefore responsible for assuming your healthcare costs.

If you ask for the European Health Insurance Card, your local authority is obliged to provide you with one or, failing that, with a provisional replacement certificate if the card is not immediately available. If they do not, you should be able to appeal.

***Important* – the European Health Insurance Card does not guarantee free services. As each country's healthcare system is different services that cost nothing at home might not be free in another country.**

National insurance (Greece): EFKA-EYOPYY⁴

Access to primary and secondary healthcare for insured European citizens who hold a valid European Health Insurance Card is ensured by presenting the EHIC and proof of identification of the holder (passport or ID) in the network of healthcare providers.

Primary healthcare for insured European citizens includes doctor visits and diagnostic examinations, provided by:⁵

- EOPYY contracted private doctors
- EOPYY contracted private diagnostic centers
- Laboratories of EOPYY contracted private clinics
- PEDY Units (National Primary Healthcare Network)
- Outpatient Hospital Services of the National Health System
- Healthcare Centers of the National Health System

⁴In the link below, you can find the health profile of Greece:

https://ec.europa.eu/health/sites/health/files/state/docs/2019_chp_gr_english.pdf

⁵<https://www.eopyy.gov.gr/insurancecard/en>

- Rural and Regional medical offices of the National Health System
- Emergency Departments of State Hospitals
- EOPYY contracted Chronic Dialysis Units and Artificial Kidney Units
- Certified private doctors, without a contract with EOPYY, ONLY for providing e-prescription of medication or electronic referral for diagnostic tests. Visits to certified doctors are paid privately and are not covered by the EHIC.

Secondary healthcare for insured European citizens includes anything in relation to hospital treatment and is provided by:

- EOPYY contracted private clinics
- State Hospitals of the National Health System

Contact:

- National Organisation for Healthcare Services Provision (EOPYY) (in Greek)
- Tel. +30 210 8110 903 / +30 210 8110 904 / +30 210 8110 905 / you can dial the phone number up to +30 210 8110 931
- Email: ehic@eopyy.gov.gr
- Enquiries about health benefits in the EU:
Telephone number: +30 210 8110 916 / +30 210 8110 918 / +30 210 8110 541 / +30 210 8110 919 / +30 210 8110 925

Emergency:

- Consult a doctor in the public healthcare system (PEDY units or NHS (ESY) outpatient services) or in an EOPYY contracted private doctor practice free of charge. EOPYY contracted private doctor practices have a limit of 200 consultations per month free of charge. Beyond this limit, patients are required to pay for the consultation and are therefore advised to enquire about the availability for EHIC holders beforehand.
- Show your EHIC.
- If you consult a private doctor practice (non-contracted), you will have to pay.
- Hospital treatment is **free in public / state hospitals**. Usually, a doctor will provide a referral for hospital treatment. Present your EHIC / PRC and your ID upon arrival at the admission desk.
- If your medical condition requires medication, then your treating doctor can provide you with the necessary e-prescription for your medication. You can purchase your medication at any private pharmacy as long as you carry your EHIC / PRC and the prescription is stamped and signed accordingly.

Know your rights

The links below provide a legal definition of your rights.

- Guide on the services provided by EOPYY
- If you believe that your rights in terms of the organization of health units, your safe and timely transfer to these units and their availability of material and human resources have been violated, you can file a report with the Greek Ombudsman.
- Employees who stop working are entitled to request the continuation of their insurance for illness from the Unified Social Security Fund (EFKA).

Publication and website of the European Commission:

- [Social insurance scheme: your rights abroad as a citizen of the EU](#)