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Determining labour shortages and the need for labour migration from third countries

The Institute of International Relations (IIR) of Panteion University of Social and Political Sciences implemented the study

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The European Migration Network (EMN) was established in 2003, originally as a preparatory action of the European Commission, with the aim of providing the European Commission and the Member States with objective, reliable, comparable and up-to-date data on migration and asylum, to build policymaking in the European Union and hence their national policies in these areas. Subsequently, the Council of the EU in 2008, with the No. 381/2008/EK Judgment founded the EMN, as permanent structure that will operate within the European Commission, with the participation of member states in order achieve these goals.

More information on the EMN and its work can be found on the website <http://emn.europa.eu> or on the Greek website <http://emn.ypes.gr>

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EMN FOCUSSED STUDY 2015

Determining labour shortages and the need for labour migration from third countries in the EU

Top-line “Factsheet” (National Contribution)

National contribution (one page only)

Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.

Two features characterize the national policy making the biennium 2013-2014. The first is the adoption of the National Strategy for the Integration of third-country nationals by the Ministry of the Interior (23.04.2013). According to this document, there are no identified labour shortages and therefore needs for third country nationals to fill vacancies through the process of invitation. Therefore, emphasis is given on the integration of those who are already in the country.

The second important development is the adoption of the Code of Migration and Social Integration (Law 4251/2014 –Government Gazette 80 A), which codifies in a single text the existing immigration legislation and amends the existing institutional framework in order to become more rational, functional and compatible with the socio-economic situation of the country. In this text, detailed and specific residence permit categories for employment purposes are provided.

In this context, every two years Joint Ministerial Decisions are issued (by the Ministers of Foreign Affairs, Economy, Infrastructure, Marine & Tourism, Labour, Social Security and Social Solidarity) which define the maximum rate of residence permits for citizens of third countries for dependent employment, seasonal work and fish workers. These Decisions are issued upon a specialized consultative procedure as defined in article 11 Law 4251/2014.

In particular, the Ministry requests the opinion of the Economic and Social Committee, the Manpower Employment Organization and the Regions of the country (which have realized prior consultations with employers' organizations) regarding current necessities of manpower. In this regard, various factors such as the best interests of the national economy, the expediency of labour migration, the existing labour capacity offered by national, European citizens or legally residing third country nationals in each specialization and unemployment rates by employment sector have a decisive effect. The latest JMD issued on 02.18.2015 (GG B 250) covers the years 2015-2016. The preceding one was the JMD 3411/90 / 02.03.2014, as supplemented and amended by 8055/192, and covered only 2014 (according to the former legal framework a JMD was issued annually). In 2014, the available positions for third country nationals increased in relation to 2013 and amounted to 9521 in total.

The new procedure aims at a more effective and comprehensive monitoring of labour market in line with the current conditions and the actual needs of individual sectors as well as the national economy, in general. The realization of these objectives is further enhanced through the adoption of a more coherent and flexible

invitation system for workers which is planned in governmental level and enables the competent national authorities to control the flow of new invited employees according to labour market's needs and the economy in general. Moreover, since the labour market is redundant in foreign (mainly unskilled) workers, (4 out of 10 foreigners are currently unemployed), Article 11 of the newly adopted Code seeks to determine current needs in immigrant labour workers, the particular sectors and the working period. Finally, the new procedure for defining the available position rates for incoming workers attains social and political features as it gives effect to an open consultation process, including, for the first time, social partners through the Economic and Social Committee. This new procedure intends to a nationwide estimation of current needs through a comprehensive/enhanced process, which allows for a comprehensive assessment of labour market needs for workers of third countries. In addition, the biannual policy formulation process enables better business planning, through the potential creation of a "pool", which will offer the employers (natural or legal persons) the ability to use this tool accurately and take full advantage of "workers upon invitation" on the basis of real needs.

It is significant that this strategic planning focuses primarily on workers employed in the primary sector, mainly agriculture, livestock and fisheries. Since according to administrative estimations there is no interest expressed by stakeholders for "blue cards", a relevant JMD has never been issued. However, the current JMD defines 5-6 positions for highly qualified workers which are registered under dependent employment rates.

The strategic planning, on the basis of the data drawn by the elaboration of the elements for the needs of the labour market at the level of the Regions of the country, aims at the control and management of migration flows basically in the fields of agriculture, livestock and fisheries. As far as highly qualified employment is concerned (Blue card), based on the data from the research of the labour market at the regional level, no need arose for the invitation of third country nationals to cover vacancies in this kind of specialization. However, on the basis of the JMD already issued, 5-6 positions registered under the rubric of employed activity could be considered highly qualified employment vacancies.

Executive Summary (Synthesis Report)

Synthesis Report (up to three pages)

Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience.

The "Code of Migration and Social Integration and Other Provisions" (Law 4251/2014 –Government Gazette 80 A) is the main legislative tool which regulates the conditions and the procedure for labour migration and identification of current needs. Article 11 defines the procedure of determining the incoming employment admission limits, upon a joint decision issued by the Ministers of Interior and Administrative Reconstruction, Foreign Affairs, Economy, Infrastructure, Marine & Tourism, Labour, Social Security and Social Solidarity which sets the maximum rates for dependent employment for citizens of third countries, by region and occupational specialization, while it allows for a maximum increase up to 10% for unforeseen and urgent needs. The joint ministerial decision is issued every two years upon mandatory consultation with the Economic and Social Committee, the Manpower Employment Organization, and the 13 Regions of the country, following an official request by the Ministers of Interior and Administrative Reconstruction, and Labour and Social Solidarity regarding the existing labour needs on Greek territory. These needs are defined particularly in line with the consultation between the Regions and the employers' organizations, the interest of national economy, its expediency, and the current labour supply by nationals, EU citizens or third country nationals legally residing here, with regard to each specialization and the unemployment rates by sector. In particular, the Economic and Social Committee based on a tripartite division of all stakeholders: employers - entrepreneurs, workers - in the private and public sector, and other partners such as organizations in which farmers, free lancers, consumers, environmental organizations, people with disabilities and gender equality and local government are represented.

The identification of shortages in labour market and the respective supply needs by third country nationals is registered by Region and in particular by regional unity and employment specialization. The Joint Ministerial Decision that is issued in pursuance of the procedure provided for in article 11 Law 4251/2014 determines the number of employees and the specialization that will be covered by invitation of third country nationals. According

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to the National Strategy for the Integration of third country nationals (04.23.2013) emphasis should be given to the integration of migrants already in the country, due to the economic crisis. Further, the Greek Action Plan on Asylum and Migration Management (2014), issued by the Ministry of Public Order and Citizen Protection, focuses on illegal migration and the fight against this phenomenon.

It becomes evident through the joint ministerial decisions 3411/90 /03.02.2014 and 8055/192, that in 2014 positions for which third country nationals were requested amounted to 9521 in total. The majority of these refer to the primary sector, namely workers in the field of agriculture, fisheries and livestock.

Regarding intra-Community migration data, it is worth noting regarding the outflow of Greek workers, that the monthly newsletter for the Greek economy of the Planning and Economic Research Centre states no official immigration data since 1977, when the Greek Statistical Authority ceased to collect relevant data. The local office of the International Organization for Migration in Athens also ceased to deal with the outflow of Greeks. Instead, it has been engaged for decades with the immigration flows of third country nationals to Greece. In addition, regulations regarding the free movement of European Union citizens between member states has resulted in the absence of relevant statistics since there are no data from visa applications, while the Greeks fleeing the country are not required to declare their departure to Greek authorities, nor is there any incentive to de-register by state records as in the case of other European countries.

As estimated in this study, the establishment of a specialized monitoring mechanism is advisable in order to review the effects of migration policy on employment grounds in conjunction with the shortages of the Greek labour market. Its outcome would allow for coherent conclusions regarding the need -or the absence- of foreign manpower in Greek labour market. Failing this, there is an inevitable gap between the priorities laid down by the previous government in the management of migration flows on the one hand, and needs registered on the other.

As already noted, the Greek action plan on asylum and migration management and the National Strategy for the Integration of third-country nationals (04/23/2013) are the only policy tools which have been developed in recent years for the management of migration. However none of these refer to labour migration. The first focuses exclusively on the fight against illegal immigration without considering the labor market shortages which need to be covered by the admission of third country nationals, while the second covers the integration of immigrants.

Therefore, while shortages in the Greek labor market are registered, there is currently no policy tool or monitoring mechanism to assess the effects of migration policy on employment grounds and the migration issues that arise. It should be underlined that although there was a drop in demand from 2006 to 2013, there was a significant increase in 2014 (see. E7 and Annexes).

Section 1: General overview of the national labour migration policy and recent public and policy debates on labour migration

*This section aims to outline the national migration policy and recent public policy debates on migration. Firstly, it examines whether the **conditions for entry and stay** for third-country nationals provided in national legislation are directly linked to shortage occupations. It further explores the **policy instruments** in place used for managing economic migration (for example quotas, labour market tests, points-based systems, other instruments). Secondly, the section focuses on recent public debated on labour migration especially with regard to debates on how labour migration is planned to be utilised to address labour market shortages. Thirdly, the section looks at the extent to which Member State view immigration as a tool to address labour shortages and the overall role envisaged by policy for migration to address labour shortages.*

Q1. Please briefly describe how the **national labour migration policy** functions in your (Member) State. (Maximum 1 page)

Q1 (a). Are **conditions for entry and stay** for (categories of) third-country nationals provided in national legislation linked to shortage occupations?

Q1 (b). What are the instruments in place in your Member State for **managing economic migration** (quotas, labour market tests, points-based systems, other instruments) and how are they linked to labour shortages identified (*for example, labour market test is not applied for third-country nationals applying for jobs listed in lists of shortage occupations*)

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Q1. (c) To what extent does your Member State view immigration as a tool to address labour shortages? What overall role for migration to address labour shortages is envisaged by policy in your Member State?

During 2006-2008, Greece harmonized the national legislation with European standards. To this end, Greece transposed the European Directives; Directive 2003/109 / EC (Presidential Decree A160 / 2006), Directive 2003/86 / EC (Presidential Decree A143 / 2006), Directive 2005/71 / EC (Presidential Decree A190 / 2008). In 2010, the General Secretariat for Migration Policy was established. According to the overall assessment of the National Strategy for the Integration of third-country nationals in 2013 (23/04/2013 –Ministry of Interior and Administrative Reconstruction) there were no labor shortages; therefore, no need for third-country nationals to cover relevant positions through the process of by the invitation was registered. Thus, emphasis was given on the integration of those who are already in the country.

In 2014, the national labour migration policy was prioritized through the adoption of the "Code of Migration and Social Integration and Other Provisions" (Law 4251/2014 –Government Gazette 80 A). In particular, the following specific categories for residence permits on labour grounds are defined under article 7: *Residence permit for work and business*; 1. Dependent employees for service activities or project realization, 2. Workers for special purpose, 3. Investment Activity, 4. Highly qualified employment with 'Blue Card' (paragraph A), *Temporary Residence for*; 1. Seasonal Work, 2. Fish workers, 3. Members of artistic groups, 4. Third country nationals working in enterprises established in a Member - State of the European Union or the European Economic Area, with the aim of providing services, 5. Third country nationals working in enterprises established in a third country to provide service, 6. Heads of organized groups in tourism services, 7. Third-country higher education students participating in internship programmes, (paragraph B), *Residence permit for studies, volunteer work, research and training*, particularly; 1. Studies 2. Volunteer work, 3. Research, 4. Professional training (paragraph D), *Residence permit for family reunification*; 1. Family members of third country nationals, 2. Family members of a Greek or person of greek descent, 3. Independent third country national or of greek descent family member residence permit, 4. Personal right of residence of Greek family members (paragraph F). In each residence permit, it shall be stated whether access to the labour market is allowed subject to the special preconditions of this Code.

Furthermore, under article 11 which defines the procedure of determining the incoming employment admission limits, a joint decision of the Ministers of Interior and Administrative Reconstruction, Foreign Affairs, Economy, Infrastructure, Marine & Tourism, Labour, Social Security and Social Solidarity is issued in the last quarter of every second year and sets the maximum number of seats for dependent employment for citizens of third countries, by region and occupational specialization. It may also allow for a maximum increase up to 10% in the number of seats for unforeseen needs, and any other relevant reasons. The joint ministerial decision is issued upon mandatory consideration of the prior opinion of: (a) the Economic and Social Committee, (b) the Manpower Employment Organization, and (c) the 13 Regions of the country, following a request of the Ministers of Interior and Administrative Reconstruction, and Labour and Social Solidarity regarding the existing labour needs in the Greek territory.

These needs are determined, in particular, according to the following criteria: the consultation between the Region and employer's organizations, the best interests of the national economy, the expediency of labour migration, the existing labour capacity by national, European citizens or legal residents third country nationals in each specialization and unemployment rates by employment sector.

Based on these opinions, which are finalized within thirty (30) days from the submission of the formal request, the Ministry of Labour, Social Security and Social Solidarity shall secure the issuance of the joint ministerial decision of paragraph 1, upon consideration of these opinions and the interests of the national economy. This procedure is also followed for the determination of seasonal employment rates, fishermen and highly skilled employment rates as further specialized by the Joint Ministerial Decision 66224/22.12.2014 (Governmental Gazette B 7/2015).

Accordingly, the Joint Ministerial Decision 6855/105/18-2-2015 (Government Gazette 250/B) defines the rates regarding seasonal residence and fish workers for citizens of third states for 2015-2016. Nevertheless, the

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rates and the number of dependent employment's positions to be filled by citizens of third country nationals upon invitation will be defined on a separate Joint Ministerial Decision. Apparently, available data, for the current legal framework which is in line with European standards, indicate that the strategic planning mainly aims at the management of migration flows in the primary sector, namely agriculture, livestock and fisheries.

Q2. Please briefly describe any recent public and policy debates in the area of labour migration, especially with regard to debates on how labour migration is planned to be utilised to address labour market shortages. (Maximum 0, 5 pages)

Currently there is no pending consultation procedure. Emphasis is given on the implementation of the new institutional framework in order to identify and address shortcomings and deficiencies in the future.

Section 2: Overview of instruments used for identifying current and future labour and skills shortages and for anticipating the need for labour migration

This section aims to examine the existing instruments and approaches used in (Member) States to identify current and future labour and skills shortages and the anticipated need for migration labour. Firstly, it examines how labour shortages are defined and classified at national level (Q3) as well as whether there are any distinctions made among different types of shortages (Q4). Secondly, this section provides an overview of existing instruments and tools used in (Member) States to identify labour shortages and the need for migration labour to fill shortages in the labour market (Q5). The section explores the role and involvement of social partners and other national stakeholders (Q6). Finally, it aims to collect a summary of the results/findings of the identified instruments.

Q3. Definition and classification of labour shortages

Q3.(a) How are labour shortages **defined, identified and classified** in your Member State?

Q3.(b) What is the **level of analysis** (e.g. by sectors, by occupations or by qualifications or skill levels)?

Q3.(c) Are classifications of shortages defined in legislation or soft law (e.g. circulars, regulations, policy documents)? If yes, please describe and provide examples for each of the classifications.

Q3.(d) To which extent the level of analysis includes region/local level?

Q3.(a)

The labour shortages in the greek labour market are defined, identified and classified through the procedure set out by article 11 Law 4251/2014 (Code of Immigration and Social Integration).

In particular, according to the first paragraph of article 11 of Law 4251/2014, during the last trimester of every second year the Ministers of Interior and Administrative Reconstruction, Foreign Affairs, Development and Competitiveness, Economy Infrastructure Shipping and Tourism, Labour and Social Solidarity issue a Joint Ministerial Decision which determines the maximum number of positions for employees that can be covered by third country nationals. The same decision provides for an increase in the maximum number of positions up to 10%, so as to cover unforeseen and special needs.

The abovementioned decision is issued upon investigation of labour shortages in the labour market and the respective need to cover these by third country nationals in accordance with the procedure foreseen by the second paragraph of article 11 of Law 4251/2014. In particular, the Ministers of Interior and Administrative Reconstruction and Labour and Social Solidarity ask for an advisory opinion by the Economic and Social Committee, the Manpower Employment Organization, as well as the Regions of the country regarding the existing labour needs on the greek territory. The Ministers are obligated to take into consideration these advisory opinions in order to issue the Joint Ministerial Decision. The law stipulates that the needs are determined in particular on the basis of the following criteria: the consultation between the Region and

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employers' institutions, the interest of the national economy, the purposefulness of the employment, the job offer that already exists by nationals, European citizens or legally residing third country nationals per specialization and the unemployment percentages per employment sector.

The third paragraph of article 11 Law 4251/2014 stipulates that the abovementioned procedures are applied *mutatis mutandis* for the investigation of shortages and the determination of the number of third country nationals accepted for seasonal employment, employment of fishermen and highly qualified personnel. Especially in the case of employment of seasonal personnel in the agricultural economy, the joint ministerial decision may determine the correlation between cultivated land or livestock of the requesting employer with the number of seasonal employees invited.

The classification of shortages in the labour market and the respective need to cover them by third country nationals is done per Region and employment specialization.

Q3.(b)

Labour shortages are classified per employment type (employed activity, seasonal activity, fishermen and highly qualified employment) and per specialization and is based on the data drawn by the consultation procedure described in article 11 Law 4251/2014.

Q3.(c)

Labour shortages in the labour market are classified on the one hand according to the categories provided for in Law 4251/2014, namely employed activity, seasonal activity, fishermen and highly qualified activity and on the other on the basis of the specializations needed. This classification per category (e.g. employed activity, seasonal activity etc.) and per specialization (e.g. agricultural workers, domestic housekeepers etc.) is the basis on which the JMD issued by virtue of article 11 Law 4251/2014 rest.

Q3.(d)

The determination of the personnel admitted for work is done not only per specialization but also per Region. The needs are determined, *inter alia*, following a consultation between the Regions and employers' institutions.

Q4. Do any distinctions between different types of labour shortages exist in your Member States, such as for example:

- **short-term** (current) shortages and **longer-term** (projected) shortages; or
- **cyclical** shortages (shortages occurring due to short-term imbalances in the supply and demand in the labour market and/or by providing incentives to the labour force) and **structural** shortages (which are due to changes, such as the adoption of new technologies, may increase the demand for certain skills that are not immediately available in the labour market, creating skills shortages even when unemployment is high).

If yes, please describe.

The types of labour shortages in the greek labour market are divided in short-term and longer-term. The former are covered par excellence by seasonal employees in the fields of agriculture, stock raising and fishing, while the latter are covered by invitation of third country nationals to work as employees. In practice, however, we find that this distinction is not absolute since in the joint ministerial decisions the limits are not absolute. For instance, by virtue of Joint Ministerial Decision 3411/90/3.2.2014 regarding the determination of the maximum number of residence permits for work of third country nationals for the year 2014, the agricultural workers are employed either as seasonal employees or as employees even within the same Prefecture of a Region (e.g. Prefecture of Achaia).

The fact that the greek law provides for the admission of third country nationals with the purpose of highly qualified employment in accordance with Directive 2009/50/EC does not prove that the greek labour market lacks highly qualified personnel. The legislative provision was rather adopted for reasons of compliance with the law of the European Union. This opinion is enhanced by the fact that until today no joint ministerial decision has been issued determining the number of admission of highly qualified personnel. According to the competent officers of the Ministry of Labour and Social Solidarity that we consulted for the aims of the present study, the non issuance of a joint ministerial decision is

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due to the fact that in the framework of the procedure stipulated by the existing legislation for the investigation of the needs of the greek labour market in highly qualified personnel, no demands came up by employers and businesses for this kind of personnel.

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Q5. Please complete the table below identifying the instruments/tools in your (Member) State used to identify labour shortages and the need for migration labour. You can list more than one instrument/tool per category.

Instruments and tools used for identifying labour market shortages and the need for migration labour	Is this instrument/tool used in your (Member) State? (Y/N)	Is this instrument used for determining labour migration needs? (Y/N) If yes, does the instrument: (a) focus exclusively on the identifying the need for migration labour or; (b) it is a tool which aims to identify shortages for the whole workforce (including national/EU) and has a component focusing on migration?	Please briefly describe the respective tool(s) and the methodology(ies) used for anticipating the need for migration labour.	(1) Please describe the level of analysis of the particular instrument/tools (i.e. skills, occupations, sectors, professions, level of qualifications, others). (2) Is an international (e.g. ISCO-08) or national classification of occupations used?	Which national organisation(s) use this mechanism/tool to produce information on skill shortages?	What is the geographical level of the mechanisms/tools used (e.g. national, regional, municipal)?	Additional comments
<i>Lists of shortage occupations</i>	Yes	Yes. It focuses on identifying the needs for admission of migrants for work. Among the criteria taken into consideration for the determination of these needs is also the work availability by nationals, European citizens or	The procedure/methodology followed in our country is stipulated in the Code of Immigration and Social Integration (Law 4251/2014, article 11). In fact the law creates a particular mechanism in order to investigate and determine the needs in foreign personnel in the labour market. Three institutions participate:: the Economic and Social Committee, the Manpower Employment	In the case of our country we cannot actually speak of a level of analysis of the particular instrument/tool. In practice a report is drafted by the employers' institutions estimating the number of positions for i) employees, ii) seasonal employment, iii) fishermen and iv) highly qualified personnel, that need	The competent Ministers (Interior and Administrative Reconstruction, Foreign Affairs, Economy Infrastructure Shipping and Tourism, Labour and Social Solidarity), on the basis of the list with the jobs that is drawn by	Mainly at the level of Regions and Regional Unities.	

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		legally residing third country nationals per specialization and the unemployment percentages per employment sector	Organization and the Regions of the country (Directorates of Development). All three institutions are invited to submit and advisory opinion, which is taken into account by the Ministers of the Interior and Administrative Reconstruction, Foreign Affairs, Economy Infrastructure Shipping and Tourism. Labour and Social Solidarity, in order to issue a respective Joint Ministerial Decision, which determines the maximum number of positions for employees per Region and employment specialization that could be covered by third country nationals. For the needs of the procedure a consultation takes place between the Region and the local employers' institutions for the identification of existing labour needs on the greek territory, the results of which constitute a basic criterion for the issue of the advisory opinions of the abovementioned	to be covered by invitation of third country nationals every two years. In the employment institutions we include the chambers, the associations and business links, the agricultural cooperative organizations, the fishermen's associations that have their seat within the administrative boundaries of each Region. The report is drafted following a question of the Regions, in the framework of the stipulated procedure (article 11 Law 4251/2014). The estimations cover only the employment specializations that fall under the competence sector of each institution, while in the report includes also the possible country of origin of the employees, as well as the a justification based on actual	the consultation between the Regions and the employers' institutions and the advisory opinion of all implicated institutions in the abovementioned mechanism φορέων (Economic and Social Committee, Manpower Employment Organization, Regions of the country – Directorates of Development) , issue the JMD with the employment positions that can be covered by third country nationals (article 11 Law 4251/2014).		
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			competent institutions. The criteria that should be taken into consideration for the submission of the advisory opinion are: the result of the consultation between the Regions and the employers' institutions, the interest of the national economy, the purposefulness of the employment, the job offer that already exists by nationals, European citizens or legally residing third country nationals per specialization and the unemployment percentages per employment section.	numbers that refer to the number of employers active in the sector of economy under consideration, the course of their activities during the last years and the following years and also the existing labour offer by nationals or European citizens or legally residing third country nationals. Then, the employers' institutions send the report to the competent Region (JMD 66224/15).			
Sector analysis	Yes	Likewise	Likewise	Likewise	Likewise	Likewise	
Employer Surveys	No						
Forecasts/foresight analysis	No						

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<i>Qualitative studies or analysis</i>	No						
<i>Other instruments/tools (please describe)</i>	No						

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Q6. Concerning **lists of shortage occupations**, please briefly describe:

- a. The process for developing the shortage occupation lists;
- b. What are the criteria for selecting the shortage occupations (e.g. advertised vacancies are significantly higher than the qualified national job seekers available)? ;
- c. Which organisations/institutions play a role in determining lists of shortage occupations?;
- d. How frequently are the lists of shortage occupations updated?

- A) The procedure followed in our country is provided by the Code of Migration and Social Integration (Law 4251/2014, article 11). Basically, a particular mechanism is established which aims in principle at the research and identification of the needs in foreign labour personnel in the labour market. Three institutions participate: the Economic and Social Committee, the Manpower Employment Organization and the Regions of the country (Directorates of Development, with the view to issue a Joint Ministerial Decision that will determine the maximum number of positions for employed activity per Region and specialization that could be covered by third country nationals. For the needs of the procedure a consultation takes place between the Region and local employers' institutions in order to identify the existing labour needs on the greek territory.
- B) The needs are determined in particular on the basis of the following criteria: the interest of the national economy, the purposefulness of the employment, the job offer that already exists by nationals, European citizens or legally residing third country nationals per specialization and the unemployment percentages per employment sector.
- C) The Economic and Social Committee, the Manpower Employment Organization and the Regions of the country.
- D) Every two years. Before the entry into force of Law 4251/2014 the joint ministerial decisions determining the number of third country nationals admitted for work were issued annually in pursuance of the last paragraph of article 14 of Law 3386/2005. Law 4251/2014 stipulates that the joint ministerial decisions are issued every second year.

Q7. For each of the instruments and tools used for identifying labour market shortages in Q5, please outline how it is used for policy purposes? Is there a formalised mechanism to disseminate the information produced? (Y/N) If yes, please describe.

According to the statistical data provided by the Ministry of Labour and Social Solidarity for the present study, the total number of the foreign manpower demanded was 59008 in 2006, 42180 in 2007, 38278 in 2008, 28924 in 2009, 26205 in 2010, 24076 in 2011, 16728 in 2012 and 4238 in 2013. From the combined reading of the joint ministerial decision 3411/90/3.2.2014 "Determination of the maximum number of residence permits for work of third country nationals for 2014" and 8055/192 "Amendment of the joint ministerial decision no. 3411/90/3-2-2014 of the Ministers of the Interior, Foreign Affairs, Labour Social Security and Welfare for the determination of the maximum number of residence permits for work of third country nationals for 2014", we conclude that the positions asked to be covered by third country nationals have increased in 2014 and were in total 9521.

Statistical data for the years 2006-2014 demonstrate a considerable decrease in employers' demands for invitations of foreign employees, even though in 2014 there was an increase in demands that is owed more to circumstantial grounds connected with particular regions of the country where there were unforeseen needs in the primary sector. This tendency, i.e. the decrease in invitations, coincides also with the greek economic crisis, especially after 2008, and demonstrated that emphasis should be put on the integration of migrants already on the greek territory, a fact that was the basis for the approval of the National Strategy for the Integration of third country nationals of 23.4.2013.

Q8. Are any of the tools/mechanisms for identifying labour market shortages identified above (e.g. lists of shortage occupations, employers' needs analysis, surveys, forecasts, etc.) used to determine any of the policy instruments for managing economic migration (e.g. quotas, labour market tests, points-based systems, etc.)? (Yes/No) If yes, please describe.

As it was mentioned above (question no 5) the migration law provides for and describes the procedure of identification of labour shortages in the labour market and respectively the vacancies are identified that need to be

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covered by third country nationals (article 11 Law 4251/2014). In practice, upon a question of the Decentralized Administrations and in the framework of the envisaged legal mechanism, firstly a report is drawn up by the employers' entities with an assessment of the vacancies for: i) employed activity, ii) seasonal work, iii) fishermen and iv) highly qualified employment. Then, the competent Ministers, taking into account this report and the advisory opinion of the responsible entities, issue the JMD of article 11 Law 4251/2014.

Q9. Do any mechanisms or tools to monitor intra-EU mobility of workers filling job vacancies in the national labour market or leaving to work in other Member States exist in your Member State? (Y/N) If yes, please describe.

If possible, please distinguish between mechanisms or tools to monitor intra-EU mobility with regard to (i) shortage occupations and (ii) other occupations not considered as shortage occupations.

Please indicate the national sources of statistics or data on EU citizens working in your Member State.

There are no mechanisms or tools to monitor the intra-EU mobility of third country nationals workers that cover vacancies in the national labour market or leave to work in another member state. According to Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents, as it was transposed in the greek legal order by virtue of pd 150/2006, a long-term resident, who has acquired this status in another member state of the EU, may reside, under certain conditions, in our country, for a period that will not exceed three months, in order to exercise employed or independent activity. Pursuant to article 19 of the abovementioned pd, the Directorate of Foreigners and Migration of the Ministry of Interior and Administrative Reconstruction is designated as the greek contact point with the respective competent authorities of the EU member states for the exchange of the necessary information determined in the present instrument. From their part, the Agencies of Foreigners and Migration of the Regions of the country shall inform the Directorate of Foreigners and Migration of the Ministry of Interior and Administrative Reconstruction on the applications submitted and the residence permits issued according to the provisions of articles 13, 17 and 18 of the pd, while the Greek Police Headquarters shall inform the Directorate of Foreigners and Migration of the Ministry of Interior and Administrative Reconstruction on the return decisions issued against third country nationals that have been granted a residence permit in Greece as long-term residents of another EU member-state.¹

Q10. Please outline the **role of social partners** (see definition of social partners above) and **other stakeholders** (please identify which stakeholders) in identifying the need for migrant labour? Is there a formalised mechanism to consult/involve social partners in identifying the anticipated need for migrant labour or is their involvement on an ad-hoc basis?

The Economic and Social Committee,

Social partners have a pivotal role in the consultation mechanism for the identification of the needs. In particular, according to article 11 paragraph 2 Law 4251/2014, for the identification of needs a consultation takes place between the Regions and employers' organizations. In this stage, there is no involvement of trade unions. However, for the issuance of the joint Ministerial Decision which defines the incoming rates of manpower, the Opinion of the Economic and Social Committee, amongst others, is taken under consideration. It should be noted that the Economic and Social

¹ As to the outflow of greek workers the monthly newsletter for the greek economy of the Centre of Planning and Economic Research (article by Jennifer Cavourides, December 2014, http://www.kepe.gr/images/ellhnikh_oikonomia/ellhnikh_oikonomia_teyxos_12.pdf) mentions that there are no official data of greek migration since 1977, when the Hellenic Statistical Authority stopped gathering relevant data and the postwar greek immigration wave has already been inverted. The other institution that was a basic data source for the postwar migration of Greeks, the Athens Office of the International Organization for Migration, has also stopped working on the outflows of Greeks. Instead it is working since decades with the migration wave of third country nationals towards Greece. Furthermore, the Greeks that leave the country are not obliged to declare their departure to the Hellenic authorities, nor is there any motivation to be deleted from certain registers as is the case of other European countries. Moreover, there are no national sources of statistics or data for the EU citizens that work in Greece. This is possibly explained by the fact that the regulations for the free movement of EU nationals within several member states have as a consequence that we do not have at our disposal data from applications for entry visas.

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Committee functions according to the EU Economic and Social Committee. Therefore, it is based on a tripartite division of all stakeholders: employers - entrepreneurs, workers - in the private and public sector, and other partners such as organizations of farmers, free lancers, consumers, environmental organizations, people with disabilities and gender equality and local government.

Apart from the Economic and Social Committee, opinions are also submitted by the Manpower Employment Organization (OAED) and the Regions (Directorates of Development), which are taken into consideration by the Ministers of Interior and Administrative Reconstruction, Foreign Affairs, Economy, Infrastructure, Marine & Tourism, Labour and Social Solidarity, in order to issue the Joint Ministerial Decision which defines the maximum rate for dependent employment by region and occupational specialization, which need to be covered by third country nationals.

Q11. Q5 in Section 2 examined the types of national instruments used in your Member State to identify labour shortages and the need for migrant workers. Please briefly summarise the results/findings of these instruments for the most recent year(s)

The Joint Ministerial Decision for the determination of incoming employment rates for citizens of third countries were issued according to the procedure prescribed in article 14 Law 3386/2005 until 2014.

According to the statistical data of the Ministry of Labour, Social Security and Social Solidarity provided for this study;

In 2012 the demand for foreign workers amounted to 16 728 working positions in total. In particular, 15 384 were to be covered in the field of agriculture, fisheries and livestock, 112 positions by domestic workers and nurses, 4 in the tourist sector and 1228 for other specializations.

In 2013 the demand for foreign workers amounted to 4238 positions. In particular, 3770 would be covered in the field of agriculture, fisheries and livestock, 60 by domestic workers and nurses, 32 by tourism professions and 376 for other specializations.

According to the joint ministerial decision 3411/90/03.02.2014 on maximum number of residence permits for work of third countries for the year 2014 and 8055/192 "Amendments to JMD no. 3411/90 / 3-2- 2014 of the Ministers of Interior, Foreign Affairs and Labour, Social Security and Welfare to determine the maximum number of residence permits for work of third countries for the year 2014 ", 9521 positions were demanded to be covered by third country nationals. The majority of these posts reflected again occupations for workers in the agriculture, fisheries and livestock.

Q12.(a) Please indicate any **challenges and risks** associated with the use of instruments for identifying labour shortages and the need for migration labour in your (Member) State. (based on existing studies/evaluations or information received from competent authorities)

Q12. (b) Are there shortage occupations which are not addressed through labour migration (for example because of political concern, sensitivity of the jobs, etc.). If so, how is this determined?

E12.(a)

The current procedure in identifying shortages and registering current needs in Greek labour market was established recently by Law 4251/2014. The first joint ministerial decision defining the maximum rate of incoming employment rate was issued in accordance with the provisions of the newly adopted law on 02.18.2015, a few days before the submission of the present study. Therefore there are no currently defined studies or assessments on the implementation of the new procedure.

According to the annual report of the Greek European Migration Network 2013, the aim of the new procedure is a more effective and comprehensive labour market monitoring in line with the current conditions and the actual needs of individual sectors and the national economy, in general. These aims are further enhanced through the adoption of a new, more comprehensive and flexible invitation employment system which is centrally designed and enables the competent national authorities to control the incoming flow of new employees according to the labour market needs and

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the economy in general.

In the first part of the report, it was also noted that because the labour market is already oversaturated in foreign (mainly unskilled) manpower, the regulation under Article 11 aims at an overall estimation of the number of legal migrants needed in Greek economy, the sectors and period for which there is such a demand. In addition, with the new regulatory framework for the determination of maximum incoming employment rates, the said procedure gains significant features of social and political consultation, as for the first time social partners are actively engaged through the Economic and Social Committee.

This new procedure intends to a nationwide estimation of current needs of incoming employment rates through a comprehensive/enhanced procedure, which allows for a comprehensive assessment of labour market needs for third countries' manpower. In addition, the biannual policy formulation process enables better business planning, through the potential creation of a "pool", which will offer the employers (natural or legal persons) the ability to use this tool accurately and take full advantage of "workers upon invitation" on the basis of real needs.

E12. (b)

There are no statistical data.

Section 3: Monitoring the outcomes of labour migration policy in relation to shortage occupations

This section examines the tools and mechanisms to monitor the outcomes of labour migration policy in relation to shortage occupations (e.g. workforce analysis, analysis of types of work permits granted, sector analysis, discussions with employers, etc.). It begins with a series of questions on the instruments used. The section also explores the use of these instruments; the role of social partners and other stakeholders and any challenges and risks associated with their use.

Q13. Are the outcomes of labour migration policies in relation to shortage occupations monitored in your (Member) State? If yes, please describe:

- (a) What are the monitoring mechanisms (e.g. workforce analysis, analysis of types and number of work permits granted, sectoral analysis, discussions with employers, etc.)? Is there a formal mechanism(s) to monitor the effects of migration on the labour market in your (Member) State or is this done on an ad-hoc basis?
- (b) At what level are labour migration policy outcomes monitored (e.g. workforce, sectors, skill levels, occupations)?
- (c) Which organisations carry out such monitoring? For example, are these produced by national agencies; academics; NGOs?
- (d) Is the monitoring laid out in legislation or soft law (e.g. circulars, policy documents)?

Currently, there are no monitoring mechanisms. Law 4251/2014 (Article 131), however, provides for the establishment of a Migration Policy and Social Integration Coordinating, responsible for coordinating the migration policy in Greece. Its role shall be to deliberate on issues of immigration (legal and illegal) and integration having regard to developments in migration movements, issue guidelines with the purpose of coordinating the bodies concerned, monitor their functions, and propose institutional and technical measures to the competent minister in the direction of effectively dealing with the relevant issues. The Committee will consist of Secretaries General, with alternates relevant Director of Interior, Foreign Affairs, Finance, Growth and Competitiveness, Education, Culture and Sport, Labour, Social Security and Welfare, Health, Justice, Transparency and Human Rights Public Order and Citizen Protection and the Secretary General Decentralised Administration of Attica.

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Q14. For each of the instruments and tools used for monitoring the outcomes of labour migration policy in relation to shortage occupations in Q13a, please outline how it is used? Are there formalised mechanisms to disseminate the results of each monitoring mechanism listed in Q13(a)? (Y/N) If yes, please describe

Q15. Please outline the **role of social partners** (including organised representatives of employers and employees) and **other stakeholders** in monitoring the effects of labour migration on the labour market? Is there a formalised mechanism to consult/involve social partners or is their involvement on an ad-hoc basis?

Q16. Please indicate any **challenges** associated with monitoring the outcomes of labour migration policy in relation to shortage occupations in your (Member) State or the impact of labour migration on the labour market at large (based on existing studies/evaluations or information received from competent authorities)

It would be appropriate to establish a specific monitoring mechanism of the effects of labour migration policy in relation to the shortages in the Greek labour market. The monitoring would deliver more coherent conclusions regarding the demand or not of foreign workers in the Greek labour market. Failing this, there is a logical gap between the priorities laid down by the previous government in the field of migration management on the one hand and the recording of shortages to be covered by foreign workers on the other.

Therefore, while shortages in the Greek labor market are registered, there is currently no policy tool or monitoring mechanism to assess the effects of migration policy on employment grounds and the migration issues that arise. It should be underlined that although there was a drop in demand from 2006 to 2013, there was a significant increase in 2014 (see. E7 and Annexes).

The main challenge associated with the mechanism of registering labour shortages in the greek labour market that are going to be covered by invitation of third country nationals, as this is described by article 11 Law 4251/2014 is whether it actually depicts the needs of the labour market at the regional level, bearing in mind local factors such as unemployment and availability of local manpower to cover the shortages arising. This procedure plays a considerable role in the national policy for labour migration matters as this is depicted in article 11 Law 4252/2014 in conjunction with the opinions of the Manpower Employment Organization and the Economic and Social Committee to the competent Ministries.

*Determining labour shortages and the need for labour migration from third countries*Statistical AnnexA1. Workers employed by selected occupations and estimated unfilled vacancies (statistics for the latest available year)

Member States are requested to also provide statistics on a number of pre-selected occupations. The occupations in the table below are selected on the basis of the occupations that most frequently feature in (Member) States' shortage lists identified in the recent EMN Inform "Approaches and tools used by Member States to identify labour market needs". This section of the Statistical Annex is also aimed at collecting statistics on intra-EU mobility in terms of filling in shortage occupations.

If statistics are available based on ISCO-08, please provide the statistic based on the ISCO-08 number in brackets.

If statistics are not available based on ISCO-08, please provide the **national equivalent** available.

If your Member State has not yet adopted ISCO-08, but can provide ISCO-88 statistics, please provide the ISCO-88 statistics where statistics is available for the categories and sub-categories below.

Table 1: Workers employed by specific occupations and estimated unfilled vacancies (last available year*)

Specific occupations	Total employment			Employment of EU-nationals from other Member States			Employment of third-country nationals			Number of residence permits issued to third-country nationals for specific occupations ²			Number of unfilled vacancies	Comments
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total		
Health Professional (22)														
<i>Of which: Medical doctors (221)</i>														
<i>Of which: Nursing and Midwifery Professionals (222)</i>														
Personal care workers (53)														

* The last year available is 2014. The data come from the Joint Ministerial Decision 3411/90/02.03.2014 "Specification of the maximum number of residence permits for work of third countries' residents for the year 2014" and 8055/192 "Filling - amending no. 3411/90/02.03.2014 Joint Ministerial Decision of the Ministers of Interior, Foreign Affairs and Labour, Social Security and Welfare for the specification of the maximum number of residence permits for work of third countries for the year ".

² The total number of residence permits for employed activity for **2014** is **47.318** (according to national legislation the listed specializations are incorporated in the category "employed activity"), while for the specializations i) fishermen and ii) field crop and vegetable growers, where a national visa is required, there are no available statistical data.

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Of which: Child Care Workers (5311)														
Of which: Health Care Assistants (5321)														
Of which: masseurs/therapists ayuverda/experts therapists method lulur/therapists without drugs													<u>37</u>	
Of which: Home-based Personal Care Workers (5322)														
Personal Services Workers (51)														
Of which: Cooks (5120)													<u>11</u>	
Of which: Waiters (5131)													<u>3</u>	
Of which: Animators													<u>3</u>	
Of which: Cleaning and Housekeep services in offices, hotels and other establishments (5151)														
Of which: Domestic Housekeepers (5152)													<u>8</u>	
Skilled Agricultural, Forestry and Fishery Workers (6)														
Of which: Fishermen													<u>1506</u>	
Of which: Timber shifters													<u>2</u>	
Of which: Slaughterers													<u>3</u>	
Of which: Spermsheders – spermreceivers of fur animals													<u>1</u>	
Of which: Field Crop and Vegetable Growers (6111)													<u>7644</u>	
Of which: Gardeners; Horticultural and Nursery Growers (6113)													<u>1</u>	
Of which: Apiculture workers													<u>2</u>	
Of which: Livestock and Dairy Producers (6121)													<u>291</u>	
Information and Communications Technology Professionals (25)														

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Of which: Software and Applications Developers and Analysts (251)														
Of which: Database and Network Professionals (252)														
Teaching professionals (23)														
Engineering Professionals (excluding Electro-technology) (214)														
Architects, Planners, Surveyors and Designers (216)														
Accountants (2411)														
Others													30	

A2. Top 15 professions included in lists of shortage occupations (statistics for the latest available year)

This part of the Statistical Annex aims to collect data on the occupations included in lists of shortage occupations and any estimations of unfilled vacancies.

If there are several regional lists of shortage occupations instead of a national list, please fill in the table below providing data for each region. You can create new tables below per region. Alternatively, you can use the box provided below to provide a descriptive overview and any available data.

If statistics is available based on ISCO-08, please provide the statistic based on the ISCO-08 number in brackets.

If statistics are not available based on ISCO-08, please provide the **national equivalent** available.

Table 2: Statistics on lists of shortage occupations

ISCO-08 (4 digit level)				Equivalent national classification of occupations			
Occupation included in the list of shortage occupations	Is there a specified number of vacancies to be filled with labour migrants from third-countries? (Y/N) If yes, please provide the number	Are there any special conditions for <u>migrants from third-countries</u> applying for shortage occupations? (Y/N) If yes, please describe. <i>Please describe conditions which are targeted to TCNs <u>as well as</u> other conditions that may affect TCNs' employment (for example, some professions may be regulated</i>	Source and additional information	Occupation included in the list of shortage occupations	Is there a specified number of vacancies to be filled with labour migrants from third-countries? (Y/N) If yes, please provide the number	Are there any conditions that <u>migrants from third-countries</u> need to fulfil when applying for shortage occupations? (Y/N) If yes, please describe. <i>Please describe conditions which are targeted to TCNs <u>as well as</u> other conditions that may affect TCNs' employment (for example,</i>	Source and additional information

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			<i>and may concern only MS nationals)</i>				<i>some professions may be regulated and may concern only MS nationals)</i>	
1					Fishermen			
2					Animators			
3					Masseurs Ayurveda			
4					Therapists Ayurveda			
5					Tattooers			
6					Mosaic craftsman			
7					Office clerk of Russian- ukranian language			
8					Assistant diving instructor			
9					Skilled confectioner			
10					Livestock workers			
11					Domestic housekeepers			
12					Expert therapists method Lulur			
13					Special culinary			
14					Hotel employee			
15					Apiculture workers			
16					Greenhouse workers			

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17					Jewish education responsible			
18					Cook of Philippine and Mongolian cuisine			
19					Poultry workers			
20					Ancestral hens workers			
21					Fisheries workers			
22					Timber shifters			
23					Slaughterers			
24					Spermsheder – spermreceiver of fur animals			
25					Workers in fur farms			
26					Charcoal workers			
27					Chefs specialized on Chinese cuisine			
28					Practitioners of Alternative Treatments (drug free)			
29					Chefs of Japanese Cuisine			
30					Employee in travel agency			

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31					Operator of lifting machinery			
32					PhD in American Legislation			
33					PhD in American insurance and tax programs			
34					PhD in American librarianship and library systems			
35					Managing Director of US programs			
36					Consultant on US subsidized programs			
37					Mechanical engineer specialized in nanotechnology of 3D printers			
38					Maintenance Engineer of pastry bakery machinery			
39					Food Service			
40					Sales assistant of marble with knowledge of Thai, Indonesian and Chinese			
41					Manager in Imports-			

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					Exports, national of Egypt, with knowledge of English, French, Arabic, Greek language			
42					Director of sales and market research (STEP-92 REF. 1233), Chinese citizen with knowledge of Chinese language and excellent knowledge of the Chinese PV (photovoltaic) market			
43					Qualified 'masseur', US citizen, for authentic, therapeutic massage for pregnant women			
44					Qualified 'masseur', Japanese citizen for traditional, authentic massage for babies			
45					Qualified 'masseur', Chinese citizen (Tibet), for traditional, authentic, therapeutic,			

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					Tibetan massage			
46					Font Designer in Indian and Arabic			
47					Technical Assistant Service Provider in Using Computers			
48					Electrical Engineer and Telecommunications Engineer			

Please provide any additional statistics or information regarding the national/regional lists of shortage occupations ([Maximum 1 page](#))