

Legal Framework  
and clarifications  
on the access of  
unaccompanied  
children to labour  
market



**General Secretariat for  
Vulnerable Persons and  
Institutional Protection**



**Ministry of Migration and Asylum**

# The National Guardianship System for Unaccompanied Minors

- ▶ As of 01.01.2024, the National Guardianship System for Unaccompanied Minors of Law 4960/2022 is implemented. There are two Guardianship Service Providers under contract with the Ministry of Migration and Asylum, namely the NGOs METAdrasi and PRAKSIS. These two entities are the potential guardians for all unaccompanied children in the country. The public prosecutor, in cooperation with the Institutional Protection Unit of the General Secretariat for Vulnerable Persons and Institutional Protection (MoMA), appoints the guardian of the unaccompanied minor, who is one of the two legal entities mentioned above.
- ▶ Following their appointment by the Public Prosecutor, the exercise of the relevant duties is assigned to appropriate professionals, the guardianship mandated persons, who are in an employment relationship with the legal entity that has been appointed as guardian.
- ▶ The prosecutor is not anymore a temporary guardian of unaccompanied minors in the country, but the authority that appoints the guardian.



# Guardianship Council for Unaccompanied Minors

- ✓ L. 4960/2022 on National Guardianship System as incorporated in L. 4939/2022, amongst others, sets out the responsibilities to be exercised by the Guardianship Council for Unaccompanied Minors and the Guardian in cases of unaccompanied minors who wish to access the labour market.
- ✓ The official launch of Guardianship Council for Unaccompanied Minors was set with the **No 24578/26.01.2024** (Government Gazette B' 550) Joint Ministerial Decision of the Ministers of National Economy and Finance and Migration and Asylum, entitled: "Regulation on the Organization and Operation of the Guardianship Council for Unaccompanied Minors" and the **No.: 64040/21.02.2024** Ministerial Decision of the Minister of Migration and Asylum, on the subject: "Establishment of the Guardianship Council for Unaccompanied Minors at the General Secretariat for Vulnerable Persons and Institutional Protection of the Ministry of Migration and Asylum".
- ✓ There are currently **3 working groups**:
  - A working group that deals with the permission for the access to labour market and the property matters.
  - A working group that deals with disagreements/ conflicts between the minors and the guardian mandated person or the guardian mandated person and the accommodation staff.
  - A working group that deals with the complains/ reports against the guardian mandated person.

# Legal framework

- **Law 2918/2001** (Government Gazette A' 119), Worst Forms of Child Labour Convention, 1999 (No. 182)
- **Law 3850/2010** (Government Gazette A' 84), Code of laws on the Health and Safety of workers, Chapter H' Protection of minors during the employment, Articles 50-68
- **Law 3144/2003** (Government Gazette A' 111) Article 4, Protection of minors
- **Law 3730/2008** (Government Gazette A' 262), Protection of minors from tobacco and alcoholic beverages and Other Provisions, as amended
- **Law 4939/2022**, (Government Gazette A' 111), Ratification of the Code of Legislation on reception, international protection of third-country nationals and stateless persons and temporary protection in case of mass influx of displaced aliens, Articles 26, 57, 59, 75
- **Law 4960/2022**, (Government Gazette A' 145), National Guardianship System and Framework for the Accommodation of Unaccompanied Minors and other provisions of competence of the Ministry of Migration and Asylum", as in force (A' 145).
- **The Circular 13539/12.1.2024 (No. 1/2024)** of the General Secretariat for Vulnerable Persons and Institutional Protection entitled: "Implementation of articles 66A to 66KΔ (Chapter C - National Guardianship System for Unaccompanied Minors) of Law 4939/2022 (A' 111), as added by articles 7 to 30 of Law 4960/2022 "National Guardianship System and Framework for Accommodation of Unaccompanied Minors and other provisions of the Ministry of Migration and Asylum" (A' 145)",

# Legal framework

**Presidential Decree 62/1998** (Government Gazette A' 67), Measures for the Protection of Young people at Work

The **No. 1390/1989 Decision of the Minister of Labor** (Government Gazette B' 766) – “Child Labour Booklets”

The **No.130621/2.7.2003 Decision of the Minister of Labor and Social Affairs** (Government Gazette B' 875) “Works, projects and activities in which minors are prohibited from being employed”

The Ref No **Г32/2011**, 19.01.2011, **Circular** of Social Insurance Institute for the Protection of Minors during Employment

The **No. A.1270/2020 Decision of the Independent Authority for Public Revenue** (Government Gazette B' 5508) “Procedure for the assignment of a Tax Registration Number to the international protection applicants.

# Legal framework

The **No. 605869/2022** Joint Decision of the Ministers of Education and Religious Affairs, Labor and Social Affairs, Health, Citizen Protection, Migration and Asylum, Digital Governance "Arrangements for ensuring access of applicants for international protection to health services, healthcare, social security and the labor market - **Issuance of P.A.A.Y.P.A** "(Government Gazette B' 5392)

The **No. Φ80320/109864/2023** Joint Decision of the Ministers of National Economy and Finance - Foreign Affairs - National Defence - Interior - Health - Labour and Social Security - Citizen Protection - Migration and Asylum - Shipping and Island Policy - Digital Governance "**Social Security Number**" (Government Gazette B' 7280)

The No. **24578/26.01.2024** Joint Decision of the Ministers of National Economy and Finance and Migration and Asylum on: "Regulation on the Organization and Operation of the Guardianship Council for Unaccompanied Minors" (Government Gazette B' 550).

Decision No.: **64040/21.02.2024** of the Minister of Migration and Asylum on "Establishment of the Guardianship Council for Unaccompanied Minors at the General Secretariat for Vulnerable Citizens and Institutional Protection of the Ministry of Migration and Asylum"

## Prohibited working conditions

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Minors who have not reached the age of 15 are prohibited from being employed in any work.

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The only exception is the employment on artistic or commercial activities, such as in advertisement, theatre or cinema and is only possible under specific conditions.

# Prohibited working conditions

**All minors under the age of 18 are prohibited from engaging in work** or activities that by their nature or the conditions in which they are performed **are likely to harm their health, safety or morality**. Particular attention should be paid in the following conditions:

- **unhygienic environments** (such as: hazardous substances, temperature, noise and vibration harmful to health);
- **long hours or night work (such as night bars or night shifts in factories)** or employment where the minor is **exposed to physical, psychological or sexual abuse or exploitation**; Night work is prohibited (especially between 22:00-06:00)
- **work using dangerous equipment, machinery and tools** or work involving the manual handling or transport of heavy loads;
- **work carried out below the surface of the ground, water**, at dangerous heights or in confined areas.



# Substantive Requirements

- ▶ **Minors aged 15-16**, as well as minors **attending Secondary Schools, High Schools and any type of technical or vocational schools**, public or private, recognized by the state, **are allowed to work up to 6 hours a day and 30 hours a week.**
- ▶ **Minors aged above 17** are allowed to work up to **8 hours a day and 40 hours a week**, always observing the required guarantees.
- ▶ All minors are required to have a **minimum of 12 hours of daily rest and two days' rest per week**, one of which is on Sunday.
- ▶ The **daily employment of minors** attending Secondary Schools or High Schools or of all types or technical vocational schools, public or private, recognized by the State, **begins or ends at least two hours after the end or before the beginning of the course respectively.**
- ▶ **Overtime** for minors is **prohibited.**
- ▶ **The education of children must not be hindered in any way.** It is noted that for underage employees who are also pupils or students, are entitled to two days' unpaid leave, consecutive or partial, for each examination day, with the obligation to prove their participation with a relevant certificate. This leave cannot be less than 14 days in total and remuneration is paid by the Public Employment Service (DYPA).
- ▶ It should be noted that in Greece **education is compulsory for all children from the age of 4 until the age of 16** (article 55 of Law 4939/2022 and article 18 par. 7 and 8 of Law 5038/2023).

# Formal Requirements

For the employment of a minor by an employer or a company, the following are needed:

- ✓ **[preliminary steps: Guardianship Council's approval – Guardian's consent]**
- ✓ **A minor's work booklet:**
  - solemn declaration by the employer
  - application of the minor to Labor Relations Inspection Department (SEPE), medical examinations, medical certification,
  - The booklet will be issued only for the specific work.

# Formal Requirements

- ✓ **Valid legal document**

(Residence Permit Card for recognized refugees or beneficiaries of subsidiary protection (ADET) or other type of Residence Permit Card, or International protection applicant's card (asylum seeker's card))

- ✓ **PAAYPA or AMKA**

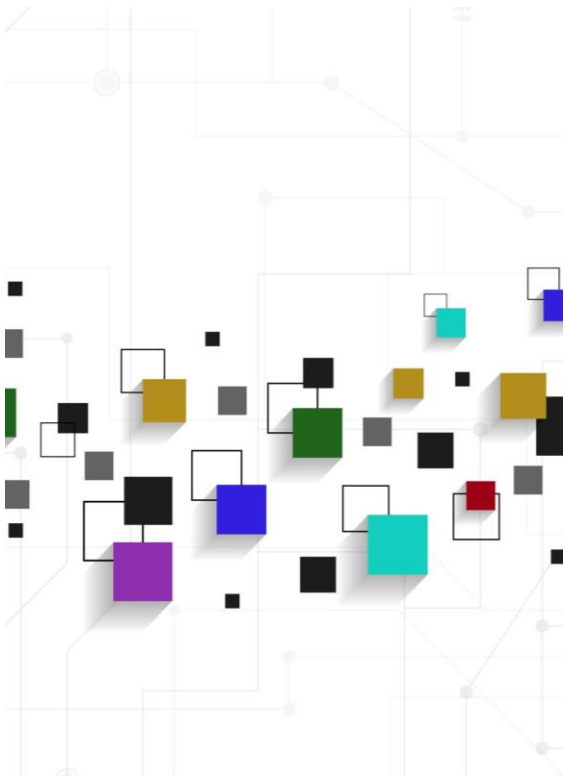
- ✓ **Tax Registration Number (VAT)** (unaccompanied minor applicants over the age of 15 are assigned by the Asylum Service, without connection to an adult's VAT number)

- ✓ **National Insurance Number (AMA)** issued by the National Social Security Entity (EFKA).

- ✓ **Bank account** for salary payments.

- ✓ **Signed contract:** This agreement is shared with the authorities in the form of a “recruitment announcement” called ERGANI.

# The role of the guardian mandated person in matters of access of unaccompanied minors to the labour market



Regarding the access to the labor market, the guardian mandated person assists the unaccompanied minor in the following actions, along with the general supervision and safeguarding of his/her well-being:

- ▶ the assignment of a **Tax Registration Number (VAT)**
- ▶ the issuance of **P.A.A.Y.P.A.** or **A.M.K.A.** in accordance with the relevant legislation,
- ▶ the issuance **of National Insurance Number (A.M.A.)** by the National Social Security Entity
- ▶ the issuance of a **Minor's Work Booklet.**
- ▶ **banking services and operations**, such as opening, maintaining and closing a payroll bank account or obtaining a prepaid or debit card.

# Guardianship Council for Unaccompanied Minors

- ✓ The Guardianship Council grants permission for specific acts of custody of the property of the unaccompanied minor as defined in paragraph 3 of article 66ΣΤ of Law 4939/2022, operating in accordance with the provisions of the Civil Code. **In this context, if a minor wishes to work, the guardianship mandated person must first submit an application for permission to the Guardianship Council for Unaccompanied Minors. The Guardianship Council for Unaccompanied Minors grants the permission to the guardianship mandated person in order for him / her to provide the general consent to the minor to work.**
- ✓ **This means that the guardianship mandated person should refer to the Guardianship Council already as a first step for the future possibility of the minor to work. This does not take place before the signing of a specific contract. Normally this is a one-off procedure, so that the minor can conclude an employment contract as an employee.**
- ✓ The application is submitted by sending an email to the email address of the Institutional Protection Unit: [sg.vp.guardianship@migration.gov.gr](mailto:sg.vp.guardianship@migration.gov.gr) with the indication: "Submission of an application for admission to Guardianship Council for Unaccompanied Minors " .
- ✓ Along with the application, the relevant documentation should be submitted. Necessary documentation includes reports on the profile of the child, his/her current situation, his/her legal status, his/her readiness to work, skills he/she has acquired, his/her command in Greek and any other language, his/her supportive network in relation to job finding or the review of possible contracts. This could all be included in a BIA.



Any questions???

Thank you!!!