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Experimentalist Welfare Governance in the European Union

# **Title of the Paper**

"The social clauses of the Economic Adjustment Programmes for Greece: A controversial paradigm for experimental policy-making in the welfare domain"

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### ABSTRACT

Greece is the EU Member State most impacted by the 2009 financial crisis, given that there were neither primary social safety nets for those unable to meet their needs through market or family settings, nor supplementary policies in case of specific needs, as social housing regimes. The national social protection model was strongly fragmented, and public spending was focused on civil servants salaries and state pensions.

Gaps in the development of the rudimentary national welfare schemes (cash benefits, care and integration services for persons at high risk of poverty and social exclusion) could not be addressed within the context of the EU Social Inclusion Strategy, as part of the EU 2020 Strategy, due to certain legal and operational barriers of the hybrid European *social welfare discourse* ((i.e. equal treatment in access to welfare, activation of vulnerable people, Fund for European Aid to the Most Deprived, Programme for Employment and Social Innovation, Social Economy etc), strongly influenced by the subsidiarity principle / model of social protection within the EU.

On the other hand, a radical welfare reform (particularly through the introduction of a national guaranteed minimum income scheme) was a secondary priority issue within the structural agenda of the three *Economic Adjustment Programmes* (known also as Bailout Programmes), which were implemented since May 2010 by Greece and major lending international partners (European Commission, European Central Bank, International Monetary Fund). These institutions identified serious problems and shortcomings in the regulation and funding of welfare, and they adopted - through the introduction of specific "*social clauses*" - a controversial social policy agenda with strong financial but limited social effects, which breaks the traditional limits between national and EU competences in the welfare policy-making process.

Greece constitutes, therefore, a unique case for discussing the complexities of introducing welfare reforms during austerity times through experimental policy-making processes. In this respect, the objective of this Paper is to identify the "*social clauses*" of the Economic Adjustment Programmes for Greece and to analyze their interplay with the national and EU welfare agendas. Emphasis will be paid also to a set of "flagship initiatives" put forward since 2010 by the Greek Government (as the 2013 *Green Paper on the National Strategy for Social Inclusion* and the 2014 *National Social Inclusion Strategy*), while the key research issue is whether the design of the new social protection framework, as promoted particularly within the Third Economic Adjustment Programme 2015-2018, may constitute a new policy-making paradigm in the welfare domain.

**Key words:** *EU active welfare discourse, Economic Adjustment Programmes, National Social Inclusion Strategy, experimental policy-making processes.* 

#### Introduction

Long before the financial crisis of 2008, the development of a social safety net for persons at high risk of poverty and social exclusion was not a given priority for national policy makers in Greece (Sissouras and Amitsis, 1994). This was particularly due to the lack of a concerted social welfare agenda and adoption of redistributive measures in favour of those outside from the labour market. The national social protection model was strongly fragmented, and public spending was focused on civil servants salaries and state pensions.

But the situation changed dramatically during the implementation of the structural social policy reform agendas in the three *Economic Adjustment Programmes* for Greece<sup>1</sup>, designed under the *European Stability Mechanism* regime<sup>2</sup>. The lending international partners (European Commission, European Central Bank, International Monetary Fund) identified serious problems and shortcomings in the regulation and funding of welfare, and they adopted - through the introduction of specific "*social clauses*" - a controversial social policy agenda with strong financial but limited social effects, which breaks the traditional limits between national and EU competences in the welfare policy-making process (Van Gerven and Beckers, 2009).

On the other hand, the Greek Government tried to challenge the supremacy of these social clauses through the design of a national wide welfare reform process, which took finally in December 2014 the form of the *National Social Inclusion Strategy (NSSI)*. This Strategy adopted in principle a human rights (OHCHR, 2006) and capabilities (Sen, 1985) approach influenced by key legal and policy instruments of International Organizations, such as the *UN Millennium Development Goals*, the 2012 ILO *Social Protection Floors Recommendation* and the *Revised European Social Charter* (Council of Europe, 1996).

#### 1. The Greek social security system

The Greek social security system<sup>3</sup> is a complex model that provides benefits and services in case of specific social risks and needs. It is promoted through the development of three regimes: the social insurance regime for persons active in the labour market, the social assistance regime for persons at risk of poverty and social exclusion and a national health scheme for all persons living in the Greek territory (Amitsis, 2014).

The Social Insurance System (Systima Koinonikis Asphalisseos) is the basic cornerstone of the domestic social security model. Its function, as has been developed since the 1950s, aims at covering traditional social risks of workers, employees and self-employed through the

<sup>&</sup>lt;sup>1</sup> Greece has been receiving financial support from Euro Area countries and the International Monetary Fund (IMF) to cope with its financial difficulties and economic challenges since May 2010.

<sup>&</sup>lt;sup>2</sup> The *European Stability Mechanism* ("ESM") was established by the Treaty Establishing the European Stability Mechanism entered into between the Euro Area Member States (the "ESM Treaty") for the purpose of mobilising funding and providing stability support for the benefit of ESM members which are experiencing, or are threatened by, severe financial problems, if indispensable to safeguard the financial stability of the Euro Area as a whole and of its Member States.

<sup>&</sup>lt;sup>3</sup> The term "social security system" is introduced for the very first time in the Greek legal framework by the art. 1 of the Law No 4387/2016 "Unified Social Security System - Reform of insurance and pension system and other provisions".

provision of cash benefits and services, which address problems related to the reduction or loss of income gained through employment. The administration and provision of social insurance benefits is organised across several funds providing pensions, health care, supplementary pensions, unemployment assistance, housing benefits, and supporting recreational activities. These funds are supervised by the Ministry of Labour, Social Insurance and Social Solidarity and may take different legal forms, but the so called primary social insurance coverage is guaranteed only by legal bodies of public law in line with relevant Constitutional norms.

The Health Care System is characterized as a mixed system, given that health care branches of the various first pillar social insurance funds<sup>4</sup> co-exist with the *National Health System* (*E.S.Y. - Ethniko Systima Ygeias*). The ESY was established in 1983 by law, designed to guarantee free health care for all residents of Greece. It is supervised by the Ministry of Health and covers the entire Greek population, without any special entitlement condition, regardless of professional category or region. Within the ESY context, primary health care services are provided through rural health centres and provincial surgeries in rural areas, the outpatient departments of regional and district hospitals, the polyclinics of the social insurance institutions and specialist in urban areas. Secondary care is provided by public hospitals, private for-profit hospitals and clinics or hospitals owned by social insurance funds.

The *Social Welfare System* (*Systima Koinonikis Pronoias*) forms the final safety net for needy persons without sufficient means. It is based on categorical minimum income schemes, which cover specific welfare target groups, as the elderly, the disabled, single parent families and children in need. These schemes were introduced in the 1960s and developed during the 1980s.

There is not any single social assistance scheme covering the whole population but distinct programmes directed to specific target groups. As a rule, only people who are not eligible for any social insurance benefit are entitled to assistance, with the exception of certain categories of disabled persons who may receive both insurance type pensions and welfare allowances. The levels of assistance benefits vary considerably from scheme to scheme, but are generally very low, unable to guarantee sufficient means and adequate living standards. Usually the benefits are subject to a means test, with the exception of cash benefits for disabled (universal benefits).

## 1.2. The institutional framework of the Greek social security system

The fundamental institutional framework of all social security schemes is embodied in the Constitution of 1975, as amended in 1986 and 2001, which includes the highest norms in the hierarchy of rules of law (Amitsis, 2003). Although the Constitution itself does not mention the concept "social security", two provisions in the revised text are particularly relevant for the recognition of the fundamental right to social security:

<sup>&</sup>lt;sup>4</sup> Since 2011 health care funds have been largely integrated into a central health care Fund (EOPYY).

Section 21

(1) "The family, as the basis for the preservation and progress of the nation, as well as marriage, mother and childhood are under the protection of the State.

(2) Large families, war invalids and invalids of peacetime, victims of war, war widows and orphans, as well as the incurable physically and mentally sick, are entitled to special State care.

(3) The State will care for the health of citizens and will adopt special measures for the protection of young people, the elderly, invalids, as well as for assistance to the needy.

(4) For those without any or with insufficient accommodation, housing is subject to special State care.

(5) The design and the implementation of demographic policies fall among the responsibilities of the State.

(6) Persons with special needs are entitled to take advantage of measures, which guarantee their personal autonomy, employment inclusion and participation in the social, economical and political framework of the country".

Section 22

(1) "Employment is a right and is placed under the protection of the State which watches over the creation of conditions for full-time employment for all citizens, as well as over the moral and material progress of the active, agricultural and urban population.

All people in employment are entitled to equal remuneration for equivalent work, without distinction on grounds of sex or any other grounds."

(5) "The State will care for the social insurance of the working people, as specified by law".

Apart from these rights-oriented provisions (social assistance and the national health system are determined in Section 21(3), while social insurance is determined in Section 22(5)), the legal basis of social security is extended according to the general principle of the "Social State of Law" that was introduced during the revision of 2001. This clause is to be found in Section 25 (1), which states that:

"Human rights of individuals and members of the societal context as well as the principle of the 'Social State of Law' are guaranteed by the State. All public institutions are obliged to guarantee their effective implementation".

It is difficult, particularly for social administrators and workers, to determine the legal effect of these social fundamental rights in a general manner, be it that there is a strong tendency to deny them enforceability and to require the interposition of the legislator by statutes. Both in legal doctrine and in case law the legislator is given a wide discretion with regard to the concrete implementation of social rights. It should also be pointed out that in Greek law no legal remedy by which the legislator can be forced to act exists.

#### 2. The context of social welfare

The current *Social Welfare System* provides cash benefits, benefits in kind and personal social services through decentralised legal bodies supervised by the Ministry of Labour, Social Insurance and Social Solidarity.

Income support is provided by a Guaranteed Minimum Income (GMI) scheme<sup>5</sup> and different categorical programmes for target groups (disabled, single parent families and uninsured elderly). Emergency support to individuals or families not covered by social insurance funds is provided through lump sum payments, based on a rather old legal instrument (Legislative Decree No. 57/1973) that introduces welfare principles (need, subsidiarity) for the protection of persons without sufficient resources.

Most welfare schemes include both preventive benefits in kind (e.g. medical care, family care) and curative benefits, both in kind and in cash. The benefits in cash are regulated by statutory provisions, thus leaving the administrative bodies with little room for discretion. As a rule, only people who are not eligible for any social insurance benefit are entitled to assistance, with the exception of certain categories of disabled persons who may receive both insurance type pensions and welfare allowances. The levels of assistance benefits vary considerably from scheme to scheme, but are generally very low, unable to guarantee sufficient means and adequate living standards. Usually the benefits are subject to a means test, with the exception of cash benefits for disabled (universal benefits).

With regard to benefits in kind the administrative bodies have much wider discretionary powers. Usually there are more claimants than means, so that a selection must take place. Not all benefits are means tested; some benefits in kind are not available upon the free market (e.g. rehabilitation centres for the handicapped), and also those who are better off may be dependent upon them.

Since 1998 a National Social Care Scheme was introduced (Law No. 2646/1998). Its development corresponds to a long-standing process to establish welfare mix principles within the function of the public assistance system, strongly promoted through the cooperation and coordination between state agencies, private enterprises and voluntary associations. The Scheme is administered by the Ministry of Labour, Social Insurance and Social Solidarity, which monitors and provides funding for different categorical programmes related to specific target groups; children, families, elderly, disabled.

Personal social services include institutional and domiciliary care. Institutional-type services are mainly provided by centres for disabled and elderly persons. Open care services are provided by rehabilitation centres, the Centres for the Protection of the Elderly (KAPI) and the 'Help at Home' Programme. Each municipality runs a social services department, which bears responsibility for the implementation of welfare programmes in the area concerned; this department administers cash benefits financed by the Ministry and promotes personal social services financed both by the Ministry and the prefecture concerned.

<sup>&</sup>lt;sup>5</sup> Greece was until the end of 2016 one of the very few EU Member States without a Guaranteed Minimum Income (GMI) scheme. A pilot GMI scheme was launched in November 2014 and a national roll-out started in January 2017 through the establishment of the Social Solidarity Income scheme (OECD, 2016).

Apart from these public programs, social welfare services are also provided by a number of public organisations on a national level. Moreover, welfare services are promoted through national networks by departments of various ministries. Welfare services are also provided at a local level by local public authorities, the Church and voluntary organisations. The municipalities apply limited competences in the welfare field: they can provide cheap housing, services for the elderly, public land for cultivation at low prices and finally they can provide food, clothing and small sums of money in case of extra-ordinary circumstances such as earthquakes or heat waves.

#### 3. The welfare reform agenda of the Economic Adjustment Programmes

On 2 May 2010, the Eurogroup agreed under a request of the Socialist Government (in power after the elections of October 2009) to provide bilateral loans pooled by the European Commission (Greek Loan Facility – GLF) for a total amount of  $\notin$  80 billion to be released over the period May 2010 to June 2013. This amount was subsequently reduced by  $\notin$ 2.7 billion, because Slovakia decided not to participate in the Greek loan facility agreement while Ireland and Portugal stepped down from the facility as they requested financial assistance themselves.

This process marked the entry of Greece to a controversial framework of external financial support (*Economic Adjustment Programmes*) with a fundamental objective: to durably restore Greece's credibility for private investors by securing fiscal sustainability, safeguarding the stability of the financial system, and boosting potential growth and competitiveness. Although the focus of academic and policy research lies in the Programmes' stability effects on the Greek economy (Christodoulakis, 2015; Pissaridis, Meghir, Vayanos and Vettas, 2015; Daude, 2016), no serious discussion has been made so far about the welfare agenda of the Programmes (Amitsis, 2015b).

#### 3.1. The First Economic Adjustment Programme (2010-2012)

The *First Economic Adjustment Programme*<sup>6</sup> was launched in May 2010 and committed a loan package of  $\in$  110 billion, of which  $\in$  73 billion was disbursed, subject to the strict clauses laid down in the First *Memorandum of Economic and Financial Policies*<sup>7</sup>. This Programme did not include any reference to a welfare reform agenda. Emphasis was paid on short-term objectives (to restore confidence and maintain financial stability), while the medium-term objective was to improve competitiveness and alter the economy's structure towards a more investment- and export-led growth model.

As far as the impact on the social security system is concerned, the Programme introduced a complex pensions reform agenda, based on the results of an ex-ante assessment of the current system, which stressed the need to "*introduce a new system to strengthen the link between* 

<sup>&</sup>lt;sup>6</sup> The full text of the Programme can be found at:

http://ec.europa.eu/economy\_finance/publications/occasional\_paper/2010/pdf/ocp61\_en.pdf.

<sup>&</sup>lt;sup>7</sup> The *Memorandum of Economic and Financial Policies* (MEFP) outlines the economic and financial policies that the Greek government and the Bank of Greece, respectively, will implement during the Programme.

contributions and benefits, with uniform rules that will apply pro-rata to all current and future workers, restrict early retirement, including for those insured before 1993, and reduce the list of heavy and arduous professions" (European Commission, 2010, p. 44). It set also as a key policy initiative the introduction of "a means-tested social pension for all citizens above the normal retirement age so that an important safety net is provided, consistent with fiscal sustainability".

The only hybrid reference to a new welfare agenda is to be found in the controversial social clause introduced by art. 22 of the *Memorandum of Economic and Financial Policies*, which states that:

"The scope for improvements in the targeting of social expenditures will be revised in order to enhance the social safety net for the most vulnerable".

## 3.2. The Second Economic Adjustment Programme (2012-2015)

The Second Economic Adjustment Programme<sup>8</sup> was agreed in March 2012 with a loan package of  $\in$  130 billion in addition to the amounts not disbursed from the First Programme. It aimed at reaching a primary deficit of 1% of GDP (projected/ planned) in 2012 (2.5% of GDP in 2011) and a primary surplus of 4.5% of GDP in 2014 and social programmes (except pensions and health) are required to contribute 1.5% of GDP to fiscal consolidation.

The implementation of this Programme took place within a very challenging political context. The heated electoral campaign and the indecisive legislative vote of 7 May led to extreme tensions both in Greece and on international markets. Significant doubts emerged on the capacity and willingness of the country to implement the structural reforms and the fiscal consolidation needed to regain the lost competitiveness and secure the sustainability of public finances.

The readiness of Greece to continue with the Adjustment Programme was openly questioned in creditor countries, where public opinion support started fading, given signs of a lack of commitment by the Greek Government, administration and population, while large amounts of financial assistance were being provided to the country. By mid-June, most observers wondered whether Greece would be able to avoid a default or an ejection from the euro area, or would even decide to quit it itself at obviously significant costs. The widespread discussion on "Grexit" in the market and even among creditors has been very damaging for Greece.

With Greece facing a very stark choice, a three-party coalition (right wing *New Democracy*, socialist *PASOK* and left wing *Democratic Left*) emerged from the 17 June elections with the mandate to secure Greece's future in the euro area, and hence to implement the Economic Adjustment Programme resolutely.

Contrary to the First Programme, the Second Programme included specific clauses related to the development of a welfare reform agenda.

<sup>&</sup>lt;sup>8</sup> The full text of the Programme can be found at:

http://ec.europa.eu/economy\_finance/publications/occasional\_paper/2012/pdf/ocp94\_en.pdf.

a) The first clause is to be found in art. 7 of the Second *Memorandum of Economic and Financial Policies* (March 2012), which states that:

"Greece's level of social spending (as a share of GDP) remains well above the euro area average. We will thus continue to **reform social benefit programs** and the governance of social assistance and social security programs. As an upfront measure, we will improve the targeting of the family allowances by excluding high income earners. **Drawing on external assistance**, we will also undertake a **thorough review of social spending programs** with the aim to identify 1½ percent of GDP in additional measures to be taken over 2013-14. The review, to be completed by end-June 2012<sup>9</sup>, will identify programs to be discontinued, and opportunities to rationalize and strengthen core social programs to better support individuals in need, while reducing transfers to individuals who do not require them".

b) The second clause is to be found in art. 3 of the Revised Second *Memorandum of Economic and Financial Policies* (December 2012), which states that:

"We are enhancing our social safety net to help cushion those who are most deeply affected by Greece's recession. We will leverage available EU structural funds to strengthen job training initiatives, and increase internal resources available for unemployment insurance".

c) The third clause is to be found in art. 10 of the Revised Second *Memorandum of Economic and Financial Policies* (December 2012), which states that:

"We will work to strengthen the safety net for those who become unemployed. As discussed below in the fiscal policy section, the government is enhancing unemployment benefits to help mitigate any short-term impact that labor market reforms may have. We will also work to improve the effectiveness of our training and job-matching programs, focusing on the young and the long-term unemployed (and better leverage any available structural funds to this end)".

d) The fourth clause is to be found in art. 23 of the Revised Second *Memorandum of Economic and Financial Policies* (December 2012), which states that:

"We will strengthen the insolvency framework. In consultation with the EC/ECB/IMF staff, we will by, end-January 2013, on the basis of best international practices, review the insolvency framework for households and SMEs as well as the framework for out of court negotiations between banks and troubled borrowers and prepare an assessment identifying areas for improvement. The aim will be to achieve predictable, equitable and transparent allocation of risks among all interested parties and maximizing value for the economy in general. By end-February 2013, we will revise, with technical support of international experts, the existing framework to facilitate workouts with over- indebted household borrowers that preserves

<sup>&</sup>lt;sup>9</sup> The Ministry of Labour, Social Insurance and Welfare asked December 2010 OECD to help the Greek Government define reforms to improve the effectiveness, efficiency and fairness of selected social programmes. The OECD received a mandate to establish a well-balanced analytical perspective of the current situation, including the construction of a database, in order to identify gaps and overlaps in social protection, and highlight areas where there is room for significant efficiency gains.

The OECD review was delivered in the second semester of 2012; it presented different reform options about GMIs and activation policies (OECD, 2013).

bank solvency and credit discipline, avoids the use of fiscal resources to protect private borrowers and minimizes moral hazard by targeting borrowers that are in real need. We will refrain from supporting any initiative that may undermine the payment culture in Greece".

e) The fifth clause is to be found in art. 31 of the Revised Second *Memorandum of Economic and Financial Policies* (December 2012), which states that:

"To help cushion the impact of our fiscal adjustment on the most vulnerable, we have strengthened social spending programs. Support for the unemployed will be increased by  $\in$ 55 million by 2014, through two new programs (now being piloted): (i) an income-tested benefit scheme that targets long-term unemployed and provides income payable for a year; and (ii) a minimum income guarantee scheme targeting families in areas with difficult socioeconomic profiles. We will also expand our job-training and job matching programs, to be financed where possible by better leveraging available EU structural funds".

The real scope of the welfare reform agenda would be misleading without a reference to its financial impact. In this respect, attention should be paid to the "hidden" art. 30 of the Revised Second *Memorandum of Economic and Financial Policies* (December 2012), which states that:

"Based on technical assistance advice, we intend to introduce a well designed income-tested system that **will reduce spending by 0.2 percent of GDP**. Specific measures include: (i) replacing various untargeted family benefits and allowances with one means-tested family benefit program; (ii) reducing special and seasonal unemployment benefits for certain professions and geographic areas; and (iii) increasing the age eligibility and income-testing of social solidarity supplements".

# 3.3. The Third Economic Adjustment Programme (2015-2018)

Greece's Second Programme expired on 30 June 2015. The Greek Government<sup>10</sup> then made a formal request of further stability support on 8 July 2015. The European Commission and the European Central Bank made a positive assessment of the request because of the risk to the financial stability of the Euro Area. They provided an assessment of the sustainability of Greece's public debt and financing needs.

On 19 August 2015, the European Commission signed a Memorandum of Understanding (MoU) with Greece following approval by the ESM Board of Governors for further stability support accompanied by a *Third Economic Adjustment Programme*. This paves the way for mobilising up to  $\notin$  86 billion in financial assistance to Greece over three years (2015-2018). Moreover, the Greek authorities signed a Financial Assistance Facility Agreement with the European Stability Mechanism to specify the financial terms of the loan.

Following the Eurogroup Statement of 25 May 2016, a positive assessment of the programme implementation by the European Commission and European Central Bank and the approval of

<sup>&</sup>lt;sup>10</sup> It was the Coalition Government of left wing SYRIZA and radical right ANEL (in power after the elections of January 2015 and re-elected in September 2015).

the European Stability Mechanism, Greece and the European Commission signed a Supplemental Memorandum of Understanding (SMoU) on 16 June 2016. The SMoU updates the policy conditions set out in the MoU of August 2015 to reflect the progress achieved in programme implementation.

The *Third Economic Adjustment Programme* has adopted an ambitious welfare reform agenda, based on the assessment of legal and policy initiatives developed during the previous Programme (World Bank, 2015). This agenda includes again a set of controversial social clauses.

a) The first clause is to be found in art. 1 of the MoU, which states that:

"The recovery strategy takes into account the need for social justice and fairness, both across and within generations. Fiscal constraints have imposed hard choices, and it is therefore important that the burden of adjustment is borne by all parts of society and taking into account the ability to pay. Priority has been placed on actions to tackle tax evasion, fraud and strategic defaulters, as these impose a burden on the honest citizens and companies who pay their taxes and loans on time. Product market reforms seek to eliminate the rents accruing to vested interest groups: through higher prices, these undermine the disposable income of consumers and harm the competitiveness of companies. Pension reforms have focused on measures to remove exemptions and end early-retirement. To get people back to work and prevent the entrenching of long-term unemployment, the authorities, working closely with European partners, will initiate measures to boost employment by 50.000 people targeting the long-term unemployed. A fairer society will require that Greece improves the design of its welfare system, so that there is a genuine social safety net which targets scarce resources at those who **need it most**. The authorities plan to benefit from available technical assistance from international organisations on measures to provide access to health care for all (including the uninsured) and to roll out a basic social safety net in the form of a Guaranteed Minimum Income (GMI)".

This clause is specified in art. 2.5.3 of the MoU, which states that:

"A fairer society will require that Greece improves the design of its welfare system, so that there is a genuine social safety net which targets scarce resources at those in most need. The authorities plan to benefit from available technical assistance for the social welfare review and for the GMI implementation from international organisations.

i. The government commits as a prior action to agree the terms of reference and launch a comprehensive Social Welfare Review, including both cash and in-kind benefits, tax benefits, social security and other social benefits, across the general government, with the assistance of the World Bank, with first operational results to be completed by December 2015, targeted to generate savings of ½ percent of GDP annually which will serve as the basis for the redesign of a targeted welfare system, including the fiscally-neutral gradual national roll-out of the GMI. The overall design of the GMI will also be agreed with the institutions.

ii. The Authorities by September 2015 will set out their detailed preparations for a gradual nationwide roll-out of a Guaranteed Minimum Income (GMI) scheme from 1April 2016, including for the set up of a benefits registry and a strategy to ensure the inclusion of

vulnerable groups and to avoid fraud. Close linkages with municipalities and employment services will be established.

iii. By January 2016, the authorities will propose and legislate reforms to welfare benefits and decide on the benefit rates of the initial GMI rollout in agreement with the institutions. The design of the GMI will be closely based upon the parameters of the pilot schemes after the evaluation of the World Bank, with potential additional targeting of priority needs in the short-term in order to meet budgetary constraints.

iv. By September 2016, the authorities will establish an institutional benefits framework to manage, monitor and control the GMI and other benefits. An evaluation of the performance of the GMI scheme will take place, with the objective of a full national rollout (key deliverable) by the end 2016".

b) The second clause is to be found in art. 3 of the MoU, which states that:

"By end-November 2015, the Government will strengthen the institutional framework to facilitate Non Performing Loans (NPL) resolution, including (i) improving the judicial framework for corporate and household insolvency matters by adopting appropriate legal instruments to establish specialized chambers both for household and corporate insolvency cases and appointing and training an adequate number of additional judges (based on targeted caseload) and judicial staff for both corporate and household insolvency cases; (ii) establishing of a Credit and Wealth Bureau as an Independent Authority that will identify lenders payment capabilities for the facilitation of banking institutions, (iii) amending the out of-court workout law so as to encourage debtors to participate while ensuring fairness among private and public creditors; (iv) fully operationalising the specialist chambers for corporate insolvency within courts.

The Government will establish a permanent social safety net, including support measures for the most vulnerable debtors and differentiating between strategic defaulters and goodfaith debtors. The Hellenic Financial Stability Fund (HFSF) in consultation with the Bank of Greece will identify mechanisms and processes to accelerate NPL resolution. The HFSF will nominate an executive board member and an internal team dedicated to the new objective of facilitating banks' NPL resolution. The Bank of Greece will engage a single special liquidator to ensure individual liquidators are delivering effectively against operational targets. Performance based remuneration scheme will be introduced for all special liquidators in consultation with the HFSF in order to maximise recovery".

c) The third clause is to be found in art. 5.2 of the MoU, which states that:

"The authorities will rationalise and introduce a selective increase of court fees, as well as increase transparency in this regard (October 2015). The authorities will propose **measures** to ensure access to justice by vulnerable persons (December 2015)".

d) The fourth clause is to be found in art. 2.5.3 of the SMoU, which states that:

"The economic crisis has had an unprecedented impact on social welfare. The most pressing priority for the Government is to provide immediate support to the most vulnerable to help alleviate the impact of the renewed downturn. Already, a temporary package of humanitarian measures on food, housing and access to electricity has been adopted and will be phased-out to coincide with the implementation of the nationwide rollout of the guaranteed minimum income scheme (GMI).

In order to get people back to work, the authorities, working closely with European partners, have taken measures to boost employment by providing short-term work opportunities to 52,000 people targeting the long-term unemployed. In addition, the Government will issue the required JMDs and will roll out by September 2016 further active labour market integration schemes which will combine public work and activation (personalized services, upskilling, reskilling) measures covering some 43,000 persons, who are furthest away from the labour market, including long term unemployed and GMI beneficiaries. The Government will support further job creation schemes through wage subsidies, vouchers etc. for some 90,000 participants by December 2016. In addition, activation measures and training will be provided for 21.500 participants by December 2016.

A fairer society will require that Greece improves the design of its welfare system in line with EU best practices, so that there is a genuine social safety net which targets scarce resources to those in most need. The authorities plan to benefit from available technical assistance provided by international organisations for both the social welfare review and the GMI implementation.

i. By September 2016, the Government commits to complete with the assistance of the World Bank the Social Welfare Review (SWR), targeted to reform benefits and to generate savings of <sup>1</sup>/<sub>2</sub> percent of GDP annually, including both cash and in-kind benefits, tax benefits, social security and other social benefits across the general government. A key part of the Review will be to propose improvements to the system of benefits addressing specific care needs such as for children and disabilities to reduce fragmentation of welfare and social insurance benefits and move towards a modern system comparable to that of other EU Member states. The Review will serve as the basis for the rationalization of a redesigned and targeted welfare system, including the fiscally-neutral national roll-out of the GMI. The cost of the national implementation of the GMI, estimated at 0.5% of GDP annually, will be covered through permanent savings, including those identified by the SWR in line with the World Bank findings. Other sources include permanent savings identified through spending reviews or in areas of non-discretionary spending. By October 2016, the authorities will legislate reforms to welfare benefits (key deliverable). The effectiveness of social assistance spending, that currently lags significantly behind the EU28 average, will be enhanced through the GMI and other reforms.

ii. The Authorities will launch the gradual nationwide roll-out of a GMI scheme in 30 municipalities by June 2016 (key deliverable), including a) the primary legislation for the first stage of the rollout; b) the primary and secondary legislation to allow the comprehensive cross-checking of applications against tax data; c) the issuance

of Joint Ministerial Decision setting out the design and benefit rates to be finalised in conjunction with the institutions. Close linkages with municipalities and employment services will be established. Apart from direct income support, the GMI scheme will offer a package of services that will aim to inclusion and remove barriers to work. The GMI will be closely co-

ordinated with re-integration employment schemes whereby alternative pathways will be offered to the beneficiaries addressing their specific needs, including their integration in existing schemes.

iii. By September 2016, the authorities will make the full preparations for a nationwide GMI rollout starting on 1 January 2017 (key deliverable) by: a) issuing the primary framework legislation for the GMI nationwide rollout; b) providing training to 80 major municipalities including Thessaloniki and Patras; c) undertaking a comprehensive stress test of the IT system in readiness for the rollout; d) launch a focussed open-framework program of labour market measures to support the GMI with a budget of  $\notin$ 20 million.

iv. By November 2016, the authorities will a) revise and issue the Joint Ministerial Decision in agreement with the institutions to improve the design and benefit rates of the nationwide GMI, in the light of the results of the social welfare review and based on the evaluation of the initial schemes by the World Bank; b) provide training to the final 200 municipalities; c) ensure the full availability of communication materials and distribute these to municipalities across the country.

v. GMI beneficiaries who can be integrated in the labour market will be progressively offered access to personalized active labour market (ALM) measures. This will include the systematic preparation of individual activation plans for participants and measures taken for allocating employment scheme funds (including GMI recipient quotas). The menu of ALM measures offered will include training, reintegration employment schemes, job search assistance, mentoring, apprenticeships etc. by January 2017 that will cover at least 10% of GMI beneficiaries available for work.

The authorities will establish an action plan for a permanent housing policy for the most vulnerable in line with European best practice by December 2016".

## 4. The National welfare reform agenda

(a) After the adoption of the *Second Economic Adjustment Programme* (March 2012), the right wing part of the Coalition Government (in power since June 2012) put forward the idea of a national driven welfare reform agenda with the aim to address the lack of a sound social inclusion system. This process was initiated by the Ministry of Labour, Social Insurance and Social Welfare and led in September 2013 to the compilation of the *Green Paper on the National Strategy for Social Inclusion* (Amitsis, 2015a).

The Green Paper introduced a new institutional and operational framework for the design and implementation of active inclusion policies: *adequate income support*; *inclusive labour markets*; *access to quality services*. Although the Green Paper was not presented for public consultation, it was endorsed by the Government and generated some important and necessary debates for the development of measures not related to the social clauses of the Economic Adjustment Programmes.

The Green Paper recommended a radical reform of the welfare income support programmes, through the establishment of a coordinated set of means tested schemes that include:

- a *General Minimum Income scheme* for persons aged 18-64 years with no working ability or low activation potential;
- an *"Active" Minimum Income scheme* for people with working capacity but excluded from the labour market;
- a *Minimum Income* scheme for minors living without parents and, therefore, without access to the GMI scheme;
- a *Minimum Income* scheme for uninsured elderly people.

(b) Taking into account the recommendations of the *Green Paper*, the Ministry of Labour, Social Insurance and Social Welfare elaborated during 2014 a new framework of principles, priorities and targets for active inclusion policies. This framework took the form of the *National Strategy for Social Inclusion (NSSI)*, following a consultation process with key stakeholders and target groups during December 2014. It was submitted to the European Commission and received with positive comments in Januaury 2015<sup>11</sup>.

The NSSI corresponds to a common framework of principles, priorities and targets aiming at the coordination, monitoring and evaluation of all policies on national, regional and local level to combat poverty and social exclusion<sup>12</sup>. It introduces *activation, empowerment* and *sustainability* objectives in the political economy of welfare in Greece, while it identifies as key priority groups:

- Poor elderly people excluded from social insurance pensions;
- Poor uninsured children without parents;
- □ Poor uninsured adults with no working capacity (disabled / mentally ill);
- □ Poor long term unemployed excluded from social insurance unemployment benefits;
- Groups at high risk of social exclusion (single-parent families, homeless, third country nationals).

The NSSI provides a new holistic model to address the social impact of the crisis, which is based on a set of fundamental policy principles (Amitsis, 2015a).

- Common and shared responsibility in combatting poverty and exclusion: safeguarding the country's social fabric is a major challenge demanding active participation of all stakeholders (state, civil society, market)
- Social justice: unjustified and unfair inequalities can only be avoided by linking protection to need and prioritizing interventions accordingly (subsidiarity)
- Empowerment: vulnerable groups should be offered the opportunity and the means to regain control on their lives (activation)
- Balanced adequacy of social protection and fiscal viability: introduce targeting, impact assessment and rationalization elements in every intervention

<sup>&</sup>lt;sup>11</sup> The Strategy was approved by the European Commission as the policy document fulfilling the respective national conditionality for leverage of Community Structural Funds resources of the Thematic Objective 9 *"Poverty and Social Exclusion"*.

<sup>&</sup>lt;sup>12</sup> The NSSI is now implemented through the so called **Regional Social Inclusion Strategies** drafted by the welfare services of the 13 Regions.

Social innovation: coordinated mobilization of all available (public and private non for profit) resources in order to come up with new models of service provision (in social care and activation) aiming at enhanced effectiveness and viability.

The scope of the new Strategy did not take into account the fiscally neutral social clauses of the Economic Adjustment Programmes. It adopted a human rights and capabilities approach influenced by key legal and policy instruments of International Organizations, such as the *UN Millennium Development Goals*, the 2012 ILO *Social Protection Floors Recommendation* and the *Revised European Social Charter* (Council of Europe, 1996).

Instead of the creditors' mandate to create "*a fiscally sustainable, integrated and cost effective welfare system in Greece*" (European Commission, 2014, p. 50), the NSII put forward the need to introduce an *active inclusion discourse*, as codified in the relevant – although non-binding – EU social policy agenda (Amitsis, 2013):

- Council Recommendation on common criteria concerning sufficient resources and social assistance in social protection systems, 92/441, EE L 245/26.8.1992;
- Commission Communication on the active inclusion of people excluded from the labour market, 17.10.2007, COM(2007) 620;
- Commission Communication on a Commission Recommendation on the active inclusion of people excluded from the labour market, 3.10.2008, COM(2008) 369;
- Commission Recommendation 2008 on the active inclusion of people excluded from the labour market, COM(2008) 369 final;
- European Parliament, *The role of minimum income in combating poverty and promoting an inclusive society in Europe*, Resolution of 20 October 2010, Brussels;
- Commission Communication on "The European Platform Against Poverty and Social Exclusion - A European Framework for Social and Territorial Cohesion", COM(2010) 758;
- Commission Communication, *Towards Social Investment for Growth and Cohesion including implementing the European Social Fund 2014-2020*, COM (2013) 83/20.2.2013;
- Council Recommendation, *Investing in Children*, C(2013) 778.

What is the operational impact of these initiatives on national policy makers? According to the 2008 Recommendation on the active inclusion of people excluded from the labour market:

a) Member States are advised to prepare national strategies combining: integrated and comprehensive design / integrated implementation / vertical coordination / active participation of all relevant stakeholders

b) National strategies should focus (at least) on three basic strands:

- □ Adequate Income Support (through targeted benefits only for people without adequate resources and irrespectively of their working ability);
- Inclusive Labour Markets (through activation services only for those with working ability);

Access to Quality Services (through personalized services adapted to specific needs ex. psychological and social support, child care, care for elderly and disabled, health care, rehabilitation etc.).

c) National strategies should regard prevention as an investment priority (investing on services combating factors that can generate or reproduce exclusion causing multiple social problems in the future ex. school drop out).

In this context, the NSSI includes four Policy Objectives: a) Combatting extreme poverty; b) Preventing and combatting child poverty; c) Promoting inclusion of vulnerable groups; and d) Good governance of inclusion policies. Each Objective is implemented through concerted Priorities and Measures (package of interventions) as follows.

The Priority 1.1 concerns the *Access to basic goods* for people at risk of extreme poverty through the following initiatives:

Measure 1.1.1 – Access to basic subsistence means

Measure 1.1.2 - Access to basic health care

Measure 1.1.3 – Protection in case of crisis

Measure 1.1.4 - Access to adequate housing

Measure 1.1.5 – Access to energy

Measure 1.1.6 – Access to financial services

Measure 1.1.7 – Access to Justice

Measure 1.1.8 - Access to cultural and recreational activities.

The Priority 1.2 concerns the *Access to adequate resources* for people at risk of extreme poverty through the following initiatives:

Measure 1.2.1 – Pilot implementation of a General Minimum Income Scheme

Measure 1.2.2 - Establishment of a General Minimum Income Scheme

Measure 1.2.3 – Access to electricity through special cash benefit.

The Priority 2.1 concerns the *Access to adequate resources* for children at risk of poverty through the following initiatives:

Measure 2.1.1 – Access to special benefit for children without parental protection

Measure 2.1.2 – Access to child support benefit

Measure 2.1.3 – Access to special support benefit for large families.

The Priority 2.2 concerns the *Access to affordable and quality services* for children at risk of poverty through the following initiatives:

Measure 2.2.1 – Access to child care services

Measure 2.2.2 - Access to recreational activity services

Measure 2.2.3 – Access to basic open care services

*Measure 2.2.4* – Prevention of institutionalization

Measure 2.2.5- Promotion of de-institutionalization, rehabilitation and inclusion

Measure 2.2.6 – Upgrading the quality of institutional care

*Measure 2.2.7* – Access to basic legal aid services.

The Priority 2.3 concerns the *Access to compulsory education* for children at risk of poverty through the following initiatives:

Measure 2.3.1 – Access to preschool education

*Measure 2.3.2* – Access to compulsory education

Measure 2.3.3 - Access to special education for children with a disability

Measure 2.3.4 – Educational inclusion of Roma children

Measure 2.3.5 – Combatting school drop out.

The Priority 3.1 concerns the *Access to income support* for the unemployed through the following initiatives:

Measure 3.1.1 – Access to long term unemployment benefit

*Measure 3.1.2* – Access to special benefits for vulnerable groups of unemployed in poverty.

The Priority 3.2 concerns the *Access to activation services* for the unemployed through the following initiatives:

*Measure* 3.2.1 – Access to non-formal education and learning activities for vulnerable groups of unemployed

*Measure 3.2.2* – Access to active labour market policies for vulnerable groups of unemployed

*Measure 3.2.3* – Access to social entrerpreneurship policies for vulnerable groups of unemployed.

The Priority 3.3 concerns the *Access to affordable and quality services* for vulnerable groups through the following initiatives:

*Measure 3.3.1* – Access to basic open care services

Measure 3.3.2 – Access to help at home services

Measure 3.3.3 – Prevention of institutionalization

Measure 3.3.4 - Promoting de-institutionalization, rehabilitation and inclusion

Measure 3.3.5 – Upgrading quality of institutional care services

Measure 3.3.6 - Access to support services against over-indebtedness.

The Priority 4.1 concerns *the coordination of inclusion policies* through the following initiatives:

Measure 4.1.1 - National Mechanism for the Coordination of Social Inclusion Policies

Measure 4.1.2 - Regional Social Inclusion Observatories for Inclusion

*Measure 4.1.3* – Observatory for Social Care Organizations.

The Priority 4.2 concerns the quality of inclusion policies through the following initiatives:

Measure 4.2.1 - National Quality Framework for Social Care Services

Measure 4.2.2 – Social Innovation Networks.

The Priority 4.3 concerns *the sound implementation of inclusion policies* through the following initiatives:

Measure 4.3.1 – Human resources development in the public sector

Measure 4.3.2 – Enhancement of Welfare Pluralism

Measure 4.3.3 – Development of basic and applied research in the field of inclusion policies.

### **5.** Conclusions

In June 2017, Greece is experiencing its 9th consecutive year of recession; following a deep and prolonged depression, during which real GDP fell by 26% since 2008, the Greek economy is projected to grow again in the course of 2017, but a full recovery will take time.

The social impact of the crisis has been extremely severe so far (Tinios, 2015). High youth unemployment, the growing incidence of child poverty and higher poverty increase the risk that the depression will have permanent effects on employability and prosperity, and might impede intergenerational mobility and long-term opportunities for the younger generations (Giannitsis and Zografakis, 2015).

Greece was the EU Member State recording the lowest value of the employment rate (54.9% in 2015). The employment rate declined in almost all economic sectors, although recession particularly affected cyclical sectors, such as construction, manufacturing and trade. Unemployment has increased dramatically (23.2% in March 2017) and it is likely that it decrease during the next years. Long-term unemployment has reached 16.9% of the labour force in February 2017 and youth unemployment is the highest among EU Member States (over 48% in February 2017).

35.7% of the population (almost 3.825.000 persons) were at risk of poverty and social exclusion in 2015 (23% of people aged 65+ and 36.7% of people aged 0-17), while 21.4% were living below the EU statistical poverty line (income set at 60% of the national median equivalized disposable income)<sup>13</sup>. 21.5% of the population were at a situation of severe material deprivation<sup>14</sup> and 17.2% of the active population (people aged 0-59) were living in low work intensity<sup>15</sup> households.

It is early to assess the implementation of the welfare agendas put forward by the Economic Adjustment Programmes, given that they do not include human related objectives (impact on people) but they focus on economic performance indicators (i.e. *targeted to reform benefits and to generate savings of* <sup>1</sup>/<sub>2</sub> *percent of GDP annually, rationalization of a redesigned and targeted welfare system, including the fiscally-neutral national roll-out of the GMI*, etc.).

<sup>&</sup>lt;sup>13</sup> Monetary poverty is measured by the indicator 'people at risk of poverty after social transfers', which measures the share of people with an equivalised disposable income below the risk-of-poverty threshold. This is set at 60 % of the national median equivalised disposable income after monetary social transfers. Social transfers are benefits provided by national or local governments, including benefits relating to education, housing, pensions or unemployment <sup>14</sup> Material deprivation covers issues relating to economic strain, durables and housing and dwelling

<sup>&</sup>lt;sup>14</sup> Material deprivation covers issues relating to economic strain, durables and housing and dwelling environment. Severely materially deprived people are living in conditions greatly constrained by a lack of resources and cannot afford at least four of the following: to pay their rent or utility bills or hire purchase instalments or other loan payments; to keep their home warm; to pay unexpected expenses; to eat meat, fish or other protein-rich nutrition every second day; a week-long holiday away from home; to own a car, a washing machine, a colour TV or a telephone

<sup>&</sup>lt;sup>15</sup> Very low work intensity describes the number of people aged 0 to 59 living in households where the adults worked not more than 20 percent of their potential during the past year.

Nevertheless, the social clauses of the Economic Adjustment Programmes did not contribute to the fulfilment of key objectives adopted by national policy makers during the implementation of the European 2020 Strategy.

The most striking case is the complete failure to achieve the three national targets in the social protection field (Social Protection Committee, 2015), as specified in the *Hellenic National Reform Programme 2011-2014* (Ministry of Economy, 2011):

- Reducing, by 2020, the number of people at risk of poverty and/or social exclusion by 450.000 which means a reduction of the at-risk-of poverty and/or exclusion rate from 28% in 2008 to 24% in 2020;
- Reducing the number of children (0-17 years) at-risk-of poverty by 100.000 until 2020, which corresponds to a reduction of at-risk-of poverty rate for children (0-17) from 23% in 2008 to 18% in 2020;
- Building a "social safety net" against social exclusion constitutes a priority, especially during the crisis.

These targets are supplemented by at least two other national targets, which may play a rather important role in the fight against poverty and social exclusion: a) reducing the share of early school leavers, which should be under 10% by 2020; b) increasing the employment rate target at 70%.

After a six years support from the Economic Adjustment Programmes, Greece remains one of the very few EU Member States without a national institutional social welfare framework, given that the NSII has not been implemented in practice through the adoption of the recommended *Framework Law on a National Social Inclusion System*. This has severe implications for persons at high risk of poverty and social exclusion during austerity times.

The NSII constitutes a new policy-making paradigm in the welfare domain, influenced by the EU active inclusion discourse that calls Member States to prepare national strategies combining integrated and comprehensive design / integrated implementation / vertical coordination / active participation of all relevant stakeholders. This is also true for the social clauses included in the Economic Adjustment Programmes, given that they combine external hybrid social objectives and internal implementation processes.

But there is a key difference between those two reform agendas. The NSII follows a human rights and capabilities approach related to the introduction of a comprehensive social safety net, while Troika's approach so far focuses exclusively on budgetary constraints and social spending surveillance.

Although it remains to be seen in the near future which model would attract the interest of other national and international policy makers, the dominance of a fiscally-neutral welfare reform process is controversial and creates a serious welfare paradox. While needs of the population in Greece arise, welfare policies are subject to external policy-making paradigms which use fiscal considerations as arguments against the full guarantee of subjective social citizenship rights (Van Gerven and Ossewaarde, 2012). This is not compatible either with the European active inclusion discourse, as promoted by EU institutions and the majority of other Member States, or with the universal human rights agenda (United Nations, 2016).

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