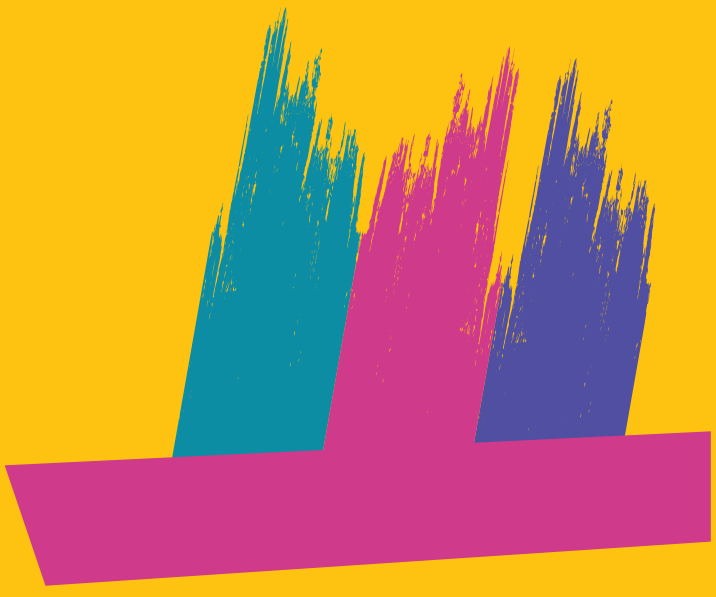
THE GREEK OMBUDSMAN
INDEPENDENT AUTHORITY



EQUAL TREATMENT

SPECIAL REPORT 2020

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Prologue

The COVID-19 pandemic and the emergency measures which were adopted in our country to confront it, in the field of labour relations, in the economy and in social life, met a weakened welfare state. This was due to the ten-year fiscal adjustment process, in conjunction with a shriveled supply administration along with trimmed control mechanisms. After all, no one expected that the effects of many years of "memorandum" could be fully offset in a year or two.

The new emergency measures on the economy, labour, and social life affected society as a whole. Inevitably, though, these measures exacerbated the challenges encountered by the most vulnerable groups. These challenges included lack of equal opportunities, obstacles in the development of one's personality and the cultivation and utilization of talents and skills, restrictions in social activities and the ability to access services and enjoy common goods, as well as the maintenance of an acceptable standard of living and the improvement of one's quality of life. It is estimated that these challenges will intensify even further by the economic recession which is expected to run deeper in the post-COVID-19 era and by the pressure which will be exerted on both supply administration and labour relations. To curb the worst effects of this crisis, coherent policy and coordinated action are needed, at a national and European level.

The announced legislative initiatives for the harmonization of work and family life are expected to play a catalytic role in both overcoming obsolete and stereotypical perceptions which are barriers to equal opportunities, to the exercise of rights and accessing goods and services and to securing equal roles for parents in raising their children by substantially modifying family law towards that direction. Already, positive steps have been undertaken in 2020 to balance work and family life and to reduce gender inequalities, by making individual adjustments in regards to parental leave and benefits.

Each annual report of the Ombudsman captures the level of respect demonstrated for the principle of equal treatment in our country, while it highlights the systemic distortions and entanglements in the operation of the public sector, as well as persistent sources of unfair discrimination in the private sector. It raises uncomfortable questions about the mentalities, practices and stereotypes of each and every one of us. And this report, for the year 2020, is not an exception.

The Independent Authority's integral goal is to upgrade its role as the national body for the defense and promotion of the principle of equal treatment, spar-

ing no effort and utilizing new control tools and mediation methods, as they are reflected in standards and principles by the Council of Europe and the European Union. We strive to contribute even more decisively to the eradication of discrimination and, perhaps, to secure equal opportunities for all.

Andreas I. Pottakis

The Greek Ombudsman

Introduction

2020 was marked by the advent of the coronavirus pandemic (COVID-19), the adoption of measures to protect public health and prevent the transmission of the virus, as well as the impact of these measures on economic and social life and pre-existing social inequalities.

As early as February of this year, the disproportionately severe effects of the pandemic, which threaten socially vulnerable groups or groups with special characteristics, became apparent. This state of emergency necessitated immediate action and brought to the forefront the obligation to take reasonable care of the needs of affected groups or persons. Workers belonging to vulnerable groups; working parents; workers with children or spouses with disabilities; those living in camps, reception centers, and nursing homes; homeless persons; the elderly; and the chronically ill are only indicative cases of the number of categories for which special planning and care was needed during this period.

This Report reflects the work of the Ombudsman for the implementation of the principle of equal treatment during this difficult year. Of the 951 cases examined in 2020, some are directly related to the effects of the pandemic and the measures taken (special leave, special purpose leave, increase in domestic violence, pandemic prevention measures and living conditions in Roma settlements, refugee reception centers, etc.). In labor disputes, which were forwarded by SEPE, the COVID was tied to complaints and concerns regarding abusive dismissals or changes of the status of employees who received special leave. The halting of labor disputes discussions by the relevant Labour Inspectorates during the first period of the pandemic and, of course, the sudden cessation and suspension of business by many companies also had clear effects on labor relations.

Of the above reports, 51% concerned issues of equal treatment between men and women, 22% concerned issues of discrimination against persons or workers with a disability or chronic illness, 11% concerned discrimination based on family status often linked to gender, 9% concerned discrimination on grounds of ethnic or racial origin, 5% concerned discrimination on grounds of age, 1% concerned discrimination on grounds of religious belief and 1% concerned discrimination on grounds of sexual orientation, identity or gender.

Allegations of discrimination between men and women continued during the pandemic, mainly concerning dismissals of pregnant or protected mothers, difficulties in professional development, or occupying or retaining positions of responsibility by working mothers or women, as well as harmful changes after

returning from maternity leave. Within this subgroup, pandemic-related incidents concern allegations of ill-treatment of mothers after returning from a special purpose leave or the abusive suspension of pregnant women, especially during the first period of the pandemic. A rise was also observed in complaints regarding difficulties in obtaining maternity leave or benefits, as well as difficulties in easily accessing services during the imposition of restrictive measures.

Allegations of harassment and sexual harassment filed this year highlighted the little progress that has been made in shaping and consolidating a culture of intolerance of both employee and employer insults, within the framework of the employer's welfare obligation. Directly related to this deficit are the difficulties that are still found both during the submission of the complaint (fear of retaliation, hostility, job risk) and during the complaint's investigation (difficulties in the evidentiary process, fear of colleagues to testify, etc.). The Ombudsman is already preparing a Special Report on Harassment and Sexual Harassment at Work, with the object of studying and processing all the relevant cases that have been filed with the Authority in the last decade.

The focus of 2020 was on issues related to the harmonization of work and family life. At the height of the pandemic, in fact, this demand and need was raised in a sudden and pressing way. Shift work, remote-working and special leaves were measures to balance the emergency family and work conditions, which were formed and tested in practice throughout this period, with obviously useful results for the legislative planning that has been announced and is expected. The aim of the relevant framework, as at least this is formulated by the incorporated Directive 2019/1158 / EC, is the strengthening and legal guarantee of rights aimed at the substantial and equal contribution of both parents in the upbringing of children and the fight against gender stereotypes in work and family environment.

In any case, the expected legislative initiative is an opportunity to mitigate and streamline the large and often unjustified differences that exist between categories of public and private sector workers on maternity, parental leave or other family benefits and have been repeatedly pointed out by the Ombudsman. In addition to the need to maintain a special system of leave related to maternity protection, when it is linked to the biological status of the woman and the special relationship with her child (protection of pregnant women, post natal and lactating women), the provision of a minimum, at least, maternity benefit for all workers, regardless of the type of contract they have or their employment in the public or private sector, is necessary. Finally, the success of the whole endeavor,

clearly, depends on the provision of the creation and strengthening of the structures of care and custody of the children, a condition that will allow in fact the equal participation of the parents in the professional life.

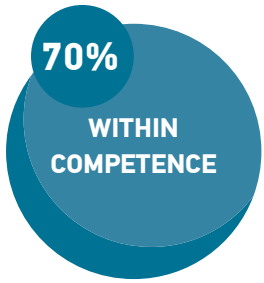
The first section of the Report presents the statistics of the year. The second section presents cases that were examined by reason of discrimination and by field of activity (work, goods and services) in order to get acquainted with the problem raised, the manner of intervention and its outcome. The third section attempts further deepening on issues of application and interpretation of cases which have been the subject of examination or intervention by the Authority, according to their grounds of discrimination. The section titled "Equal treatment during the pandemic period" contains the actions undertaken to ensure equally tailored care during the emergency situation for special categories of persons and workers, which fall within the scope of protection of equal treatment legislation. Finally, the section "Legislative and organizational proposals" includes a list of the Ombudsman's proposals as the body responsible for promoting the principle of equal treatment and the proposals of previous years that were accepted by the government in the year 2020.

Kalliopi Lykovardi

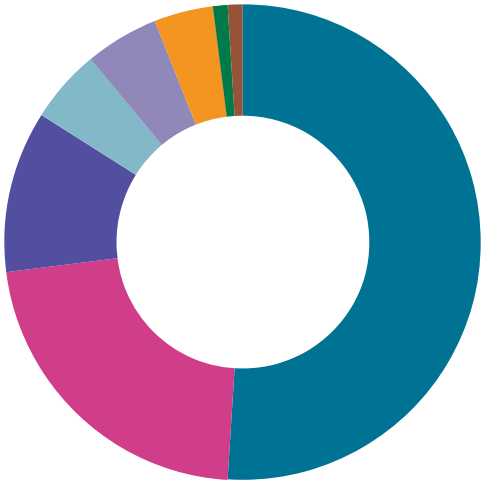
Deputy Ombudsman for Equal Treatment

OUR YEAR IN NUMBERS

Our year in numbers

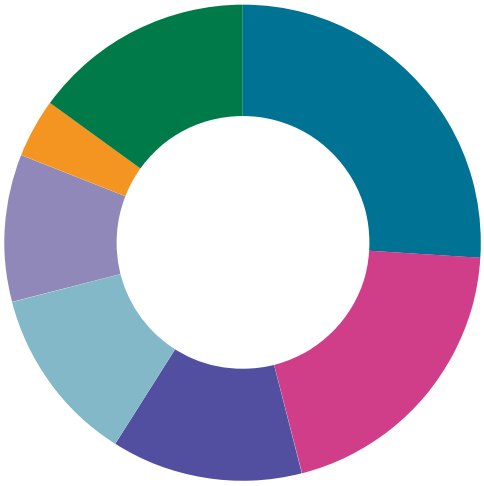


Thematic distribution new cases



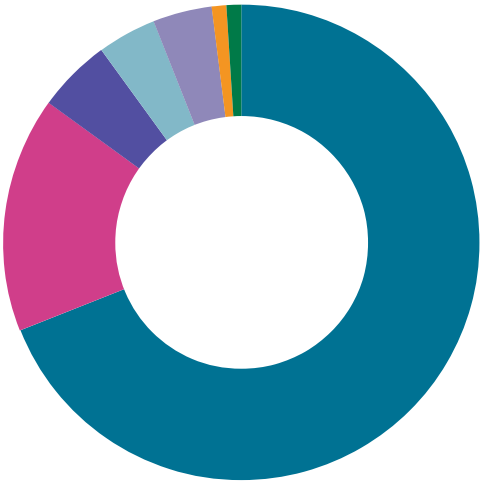
51%	Discrimination on grounds of gender
22%	Discrimination on grounds of disability or chronic illness
11%	Discrimination on grounds of family status
5%	Discrimination on grounds of age
5%	Discrimination on grounds national or ethnic origin
4%	Discrimination on grounds of race or colour
1%	Discrimination on grounds of religion or other beliefs
1%	Discrimination on grounds of social status, sexual orientation, identity or gender characteristics

Distribution of cases by public service body



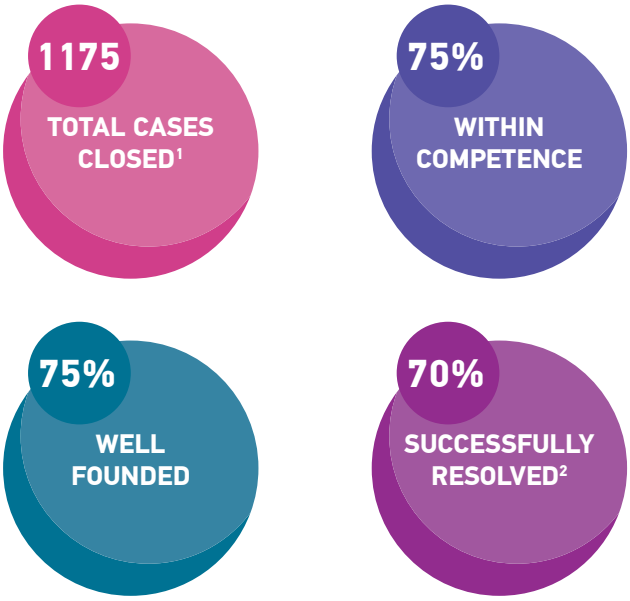
26%	Social Insurance Funds and other organizations of the Ministry of Labor
20%	Hospitals and other NPDD of the Ministry of Health
13%	Ministry of Education
12%	Local Governments (mainly municipalities)
10%	Ministry of the Interior
4%	Ministry of Infrastructure and Transport
15%	Other public authorities

Distribution of cases by type of discrimination



69%	Discrimination on grounds of gender
16%	Discrimination on grounds of disability or chronic illness
5%	Discrimination on grounds of family status
4%	Discrimination on grounds of age
4%	Discrimination on grounds of national or ethnic origin
1%	Discrimination on grounds of religion or other beliefs
1%	Discrimination on grounds of sexual orientation

Cases Closed in 2020



1. 581 of year 2020 και 594 of previous years.
2. On the cases where a problem was found.

EQUAL TREATMENT IN PRACTICE

Equal treatment in practice

This chapter presents the handling of indicative cases, including the type of discrimination concerned, the scope and the solution provided. It serves as a brief summary of the work accomplished by the Authority.

GROUND OF DISCRIMINATION	WHERE IT OCCURRED	BRIEF DESCRIPTIONS OF CASES AND THE OMBUDSMAN'S ACTIONS
GENDER	WORK	A female employee working as an engineer in a public service complained that only she, among her colleagues, who are all men, was being excluded from accessing vacant positions of higher responsibility. Moreover, she was forced to change roles multiple times and to carry out duties unrelated to her specialty. The Ombudsman in the report of findings concluded that there was a serious indication of discrimination against the employee based on gender and suggested that the company should employ the complainant on equal terms with her male coworkers. The employee was finally promoted to a position with more responsibility in her field of specialization (case 249094).
	WORK	A teacher was fired for missing work, however, the employer failed to attribute the teacher's maternity leave that she had taken due to a high risk pregnancy in her employment records. The Ombudsman stressed that sick leave of absence due to pregnancy or childbirth is considered and is counted as real time of teaching service, otherwise this could be construed as a case of direct discrimination based on gender. The position of the Ombudsman was accepted, and the teacher was reinstated (case 280475).
	WORK	A female employee was hired by a male member of the Greek Parliament as a research associate at his political office in July 2019. Her employment contract continued uninterruptedly until March 2020 when she was notified of the termination of her employment. According to the data provided by the employee, she was already pregnant a month before the termination of her work contract. The Ombudsman requested the re-hiring of the employee from the Human Resources and Training department of the Parliament and from the MP. The female employee also filed for temporary judicial protection. After the issuance of a court decision ordering the employer to continue to employ her, the Ombudsman stopped further intervention (case 280422).

GENDER	WORK	A female employee worked for a private company for three years. During her lawful absence of maternity leave, she found out that an additional working schedule was submitted by her employer to the "Ergani" computer system concerning her working status. The new schedule declared that she was being transferred from the branch she worked at to the main branch of the company, which was located at a different prefecture, due to "the interruption of branch operations." The Ombudsman determined that there was no interruption in the operation of the relevant branch (albeit within the framework of operation at another enterprise, of the same employer, with identical objective). The complainant was the only employee who was transferred to the main branch. The Ombudsman requested from the company to continue the employment relation with the complainant on the same or equivalent terms and conditions as they existed before her pregnancy leave. As there was no response from the company the Ombudsman contacted SEPE and suggested the imposition of administrative sanctions (case 260605).
	WORK	When a woman employee, working under a private law contract for an indefinite period of time in a public service [IDOX], returned to work after her maternity leave, i.e., after she had received cumulatively maternity leave, special maternity protection benefits from OAED, annual leave and parental leave equivalent to part-time work, she found out that she had been replaced by another colleague. She complained to the Ombudsman about the loss of her position. The Ombudsman asked the employer to place the employee in the same or equivalent position of responsibility similar to the one she occupied before her maternity leave. The proposal was accepted, and the employee returned to her previous duties (case 269726).
	WORK	The Ombudsman examined the conditions of a job announcement of the Fire Brigade which called for the recruitment of seasonal firefighters for the year of 2019. One special condition in this announcement stipulated that candidates who had served as reserve officers in the Special Forces of the Armed Forces or in the Presidential Guard were scored with 50 additional points. The Ombudsman addressed the Fire Brigade requesting information relating to the candidates and the final choices made regarding men and women applicants, as well as the required special justification for the use of the aforementioned point award. Given that only men were allowed to join the Special Forces of the Army or the Presidential Guard, it was considered that women applicants would be at a disadvantage since they could not meet this requirement. The Ombudsman determined that the requirement enforced by the Fire Brigade indicated unfair discrimination against women candidates and recommended its removal (case 261917).

GENDER	WORK	During a female employee's maternity leave, with an indefinite time work contract (IDOX) at a hair salon, the enterprise she worked for was sold. When the employee asked the successor company, which had declared her employment in the information system "Ergani,", to sign the necessary documents for her to receive the special maternity protection benefits of OAED, the employer signed the documents, but did not provide all the required documents to her. Furthermore, even though the employer was summoned to the competent Labor Inspectorate to provide explanations for the case, they did not appear. The Ombudsman proposed to SEPE that they impose a fine on the company. In parallel, the Ombudsman intervened with OAED and finally the employee was granted the special maternity protection benefits she was entitled to (case 269883).
	WORK	A female employee complained to SEPE that her employer company, following an internal check carried out by social labor inspectors, forcibly fired her while knowing that she was pregnant. The company claimed that the employee was not under contract and that the applicant was a self-employed individual that merely requested cooperation with the company. During the process of reversal of the burden of proof, the company did not provide sufficient evidence to the Ombudsman to prove that the employee was in fact a self-employed contractor and not an employee of the company. The Ombudsman proposed to the Department of Labor Inspectorate to impose a fine for invalid dismissal of a pregnant woman (case 258044).
	WORK	A deputy head of a public service was justifiably absent from her work on maternity leave due to a high-risk pregnancy. When she returned to work, she was informed that the decision issued by her employer in regards to the appointment of another deputy head for the position she held, concerned the whole period until the selection of heads of organizational units (according to the provisions of Law 4369/2016) and not the period up to her return from maternity leave, as she considered it legitimate to be. The Ombudsman pointed out to the service that the employee must return to the same or another equivalent position, and in any case under conditions no less favorable than those she held before her leave. Following continuous correspondence on the part of the Ombudsman, the complainant assumed the duties of deputy supervisor in another work position within the service (case 270991).
	WORK	The Ombudsman examined a condition in the announcement of the ELAS of 2019 for the recruitment of Special Guards. The specific condition allowed for candidates that have fulfilled their military obligations as reserve officers in the Special Forces, the Presidential Guard, or EPY/EPOP to be allotted additional points.

GENDER	WORK	The Ombudsman addressed ELAS and requested specific information from them. In its response the Police Headquarters sent its views and the relevant jurisprudence, but initially refused to inform the Ombudsman about how many women serve in the body of the Special Guards, considering this element confidential. When the Ombudsman pointed out that the invocation of secrecy in this case was unfounded, ELAS provided the requested information, which showed that a very small percentage of women (2.2%) serve in the Special Guards. The publication of the final report on the findings by Ombudsman is pending (case 267428).
	WORK	A female employee at a commercial company complained to SEPE that she worked at the company without being officially hired, and upon announcing to her employer that she was pregnant the employer stopped accepting her services. The employer argued that her firing was due to her behavior towards a third person—not employed by the company. At a meeting held at SEPE the parties agreed that the incident took place but there was a difference of opinion on whether or not the employee was involved. The Ombudsman asked the company for specific information, noting that for months the company employed this woman without hiring her and the absence of a formal contract deprived the woman from her legal rights during pregnancy. The company did not respond to the Ombudsman and so the Ombudsman proposed to SEPE that they fine the company for the termination of employment of a pregnant woman (case 268408).
	WORK	A pregnant worker contacted SEPE and the Ombudsman because she was fired. During the discussion of the case in the premises of competent Labor Inspectorate, the Ombudsman discovered a violation of the law from the part of the employeer regarding maternity protection and requested the re-employment of the employee. Eventually, the employer re-hired her, and the Ombudsman completed the examination of the case (case 280344).
	WORK	A female employee requested the Ombudsman's intervention in order for the competent Health Committee to examine her request for sick leave which she had received during her pregnancy, and subsequently to be compensated as provided. The delay in examining her request was due to the generally problematic operation of these committees, some of which during this period were merged with others from different regions. In addition, the beneficiary was unable to contact the competent health committee to obtain information on the case. The issue was resolved following the Ombudsman's intervention (case 279801).

GENDER	 **WORK**	A female employee who was also a stepmother working in the private sector, complained to the Ombudsman that OAED does not grant special maternity protections to stepmothers. The Ombudsman ascertained that the relevant legislation provides benefits only to natural and surrogate mothers. However, according to the provisions of the Civil Code, there is not distinction between a natural and adoptive mother. The Ombudsman asked the Ministry of Labor and OAED to amend the legal framework so as to grant special maternity protection benefits to stepmothers, in order to serve the needs of adopted children in infancy (case 288256).
	 **WORK › HARASSMENT**	A female hospital employee requested the intervention of the Ombudsman because a disciplinary check was still pending against her male colleague who had use force against her. The Ombudsman emphasized to the hospital administration that harassment or violence against working women should also be considered discrimination on grounds of their gender. The Disciplinary Council completed the investigation and found the employee who committed the offense to be guilty of the incident, stating that this was unacceptable behavior towards a colleague and that his actions affected her character. He was given a one-time fine, amounting to 1/5th of his monthly salary and a heavy written reprimand (case 253933).
	 **GOODS & SERVICES › SEXUAL HARASSMENT**	A female patient who was sexually assaulted by a doctor in a private diagnostic center, complained to the Ombudsman that from the Medical Association of Athens, where she filed a complaint for the incident, she was asked to pay a fee of 50 euros. The Ombudsman recommended to the Association that they abolish the fee for the investigation of cases of disciplinary offenses of its members, particularly when complaints of sexual harassment against patients are submitted. The proposal was accepted by the Medical Association, which forwarded a relevant positive recommendation to the Minister of Health proposing the abolition of the fee (case 266932).
	 **GOODS & SERVICES**	After multiple failed attempts to make an appointment, (via phone or email) a pregnant woman was unable to submit to the Health Center of her area the necessary documents for her illness during pregnancy. The issue was settled following the Ombudsman intervention (case 278939).

GENDER	**SOCIAL SECURITY - INSURANCE BENEFITS**	The Ombudsman received a complaint regarding the delay of payments for pregnancy and maternity benefits, as well as the delay in reducing (as provided by law) social security contributions due to the birth of a child. After the Ombudsman's intervention the social security contributions of the complainant were immediately reduced. In addition, she was given information about the actions she had to undertake in order to be determined by EFKA if at the date of birth of her child she met the condition of insurance capability to receive pregnancy and maternity benefits (case 276032).
	SOCIAL SECURITY - INSURANCE BENEFITS	A mother of a minor appealed to the Authority due to the excessive (over two years) delay from EFKA to return her social security contributions and the failure of the Organization to inform her (by phone, email, or in person) about the progress of her request. The agency cited staff shortages as the main reason for the delay as well as the inability to communicate with applicants. The lack of communication with various branches of EFKA has been brought to the Ombudsman's attention many times. This specific case was resolved after written intervention by the Authority (case 279142).
	SOCIAL SECURITY - MATERNITY BENEFITS	A citizen, who had submitted a request for additional maternity allowance to the local OAED appealed to the Ombudsman because the examination of her application was delayed. The complainant was facing serious financial problems which affected the survival of her family and asked the Authority to intervene so that her application could be considered as soon as possible. The Ombudsman intervened and her request was satisfied immediately, while the delay was attributed to the lack of staff and the plethora of requests OAED receives (case 279925).
	SOCIAL SECURITY - MATERNITY BENEFITS	The Ombudsman examined the rejection of a request for maternity allowance due to a previous debt of the applicant to her main social insurer at the date of birth of her child- which meanwhile had been repaid. The Ombudsman pointed out to EFKA that, on one hand maternity allowance is an independent benefit and on the other hand that there is already an ongoing process for settling the debts of users owed to their main social insurer. Therefore, the administration had to take into account the inclusion of an applicant in the settlement process, let alone, as in this case, the full repayment of the debt. Based on a relevant recommendation by EFKA the complainant submitted an appeal to the local administrative committee of EFKA and her request was approved. The Ombudsman proposed a uniform regulation for all insured persons who face the same problem in order to avoid

GENDER		the similar delays such as in this case in the future (case 279134).
	SOCIAL SECURITY - MATERNITY BENEFITS	A woman who was insured at the former OGA complained to the Ombudsman for the excessive delay (since 2018) she experienced in receiving maternity benefits, as well as, for the inability to be informed by the involved services on the status of her application. The investigation of the case revealed that the problem was related to malfunctions that arose due to the merger of OGA and EFKA and in particular, with the delays in the transferring of registration of OGA insured persons in the EFKA system. As a result, decisions on maternity benefits could not be issued unless the relevant registration had taken place. The Ombudsman was informed by EFKA that instructions had been given to the relevant EFKA departments so that, for cases such as this one, the problem could be temporarily resolved at the local level, until the general technical issue of data transference into the EFKA system of all former OGA insured persons is resolved (case 279671).
	SOCIAL SECURITY - BENEFITS	A pregnant woman complained to the Ombudsman that due to the untimely activation of her insurance capacity in the EFKA system, she could not access health services or other type of services (e.g. participation in a job competition) where the certificate of social security coverage for a specific period of time (i.e. specific number of insurance stamps) was a prerequisite. The Ombudsman intervened with EFKA and this particular case was settled. However, on the occasion of this case a more central intervention is imminent regarding the overall resolution of the problem (case 278666).
RACIAL ORIGIN	GOODS & SERVICES	The Ombudsman examined a complaint submitted by the lawyer of a house owner who was selling her property, and the buyer of said house, regarding the tacit refusal of the Municipality of Fili to grant the seller a Certificate of Property Fee, as it owes when conditions are met. Although both the lawyer and buyer have submitted all supporting documents requested, the municipality did not issue the certificate and thus the sale could not proceed. According to the complaint, the refusal of the Municipality to issue the TAP certificate was due to the fact that the buyer was of Roma descent, a fact that constitutes discrimination on grounds of ethnic/racial origin. The Ombudsman repeatedly addressed the Municipality in writing, emphasizing the applicable provisions of current legislation both for the issuance of the TAP certificate and for the prohibition of discrimination based on race. The response of the Municipality is expected (case 273377).

RACIAL ORIGIN	GOODS & SERVICES	The Ombudsman intervened in the services of the administration following a resident's complaint pertaining to serious pollution problems emanating from the establishment of a large encampment of Roma families in 2017 in makeshift buildings, in a plot of land owned by a Roma, in the area of Acharnes. This Roma settlement did not meet basic sanitary standards. Following the Ombudsman's intervention the plot was cleaned, the volume of accumulated waste was removed, the active toilets were connected to the central sewer and the illegal animal breeding which was carried out in the settlement was stopped. The Ombudsman requested the consistent provision of cleaning services by the municipality, as well as, the installation of sufficient waste bins and the continuous tending for the drainage of water from the plot (case 238490).
ETHNIC ORIGIN	WORK	The Ombudsman found that in several recruitment postings for the public sector it often appeared, as a condition for hiring, that applicants who acquired Greek citizenship through naturalization had to wait a year from the date of citizenship acquisition before they are eligible to apply to the public sector. This condition did in fact in the past constitute an obstacle for appointments to the public sector and was abolished with article 47 paragraph 1 of Law 4604/2019. The Ombudsman requested from the Ministry of Interior to send a circular to all public and wider public bodies so that the above condition is no longer included in their notices for filling staff positions (case 277103).
	GOODS & SERVICES	A Greek expatriate had repeatedly asked for clarification pertaining to the data registered in his new driving license issued to him by the competent service, but never received a response. The Ombudsman determined that the driver's license did not indicate the place of birth but rather a word indicating foreign citizenship. The Ombudsman intervened with the competent service, which in turn issued a new permit with the correct indication of place of birth (case 269575).
	GOODS & SERVICES	EFKA service refused to grant AMKA to third country nationals residing in Greece with a permanent residence permit who were adult family members of a Greek citizen, claiming that they could not prove work in the country. The Ombudsman determined that this condition of proof of work was included in a 2019 circular of EFKA, but not in the relevant law provisions for issuing AMKA. The Ombudsman addressed the Ministry of Labor, emphasizing that there was an issue of proper application of the law pertaining to the granting AMKA to third country nationals who have a legal residence

ETHNIC ORIGIN	GOODS & SERVICES	permit in the country and requested to resolve the matter and to generally eliminate the gaps that exist in the process of granting AMKA (case 284016).
RELIGIOUS BELIEFS	WORK	The Ombudsman received a complaint according to which applicants applying for a job position in a department store had to declare their religion in their electronic application. The Ombudsman asked the company to justify this practice, or otherwise to remove the relevant field from the online application form. The company responded that the field of religion had been mistakenly left on the electronic application form an older version which had not been updated. Furthermore, the Ombudsman was informed that this field was immediately removed from the application form (case 272923).
	GOODS & SERVICES	A Municipality rejected the application of a local church of Jehovah's witnesses requesting a license to use portable equipment (stand) for the purpose of displaying and distributing free of charge religious publications, on the grounds that the distribution of such publications was an act of religious proselytizing or of religious conversion. The Ombudsman referring to the relevant legislation and case law, especially that of the ECtHR, pointed out to the municipality that the rejection of an application on this ground was not lawful because there must have been unfair means used to achieve the intended purpose in order to substantiate the crime of proselytism. The Ombudsman requested that the application be reconsidered. The municipality delayed making a decision on the issue citing concerns about public safety in the allocation of public common areas for use as the applicant intended, due to the damage caused in the area (island) by the earthquake activity in 2017. The Ombudsman completed its intervention by reaching out to the the Ministry of Interior to ensure that the local administrations were correctly implementing the legislation regarding the aforementioned permits (case 247838).
DISABILITY OR CHRONIC DISEASE	WORK	An administrative employee at a public university, who suffered from a serious chronic disease, applied for sick leave. His application was not approved in full by the competent health committee. For this reason he was asked to return the salaries paid to him for the remaining period of his absence from work. The employer claimed that the employee had been given the maximum period of leave to which he was entitled based on his previous service, and also that he did not file a timely appeal to the committee's decision, as he

DISABILITY OR CHRONIC DISEASE	WORK	could. The Ombudsman pointed out that the health committee did not take into account that the employee was eligible to receive twice the normal sick leave due to the fact that his illness was chronic and requested the employee's referral back to the health committee, citing the possibility of the administration to revoke the illegal adverse administrative acts it had issued (case 279902).
	WORK › REASONABLE ACCOMODATIONS	A female worker was diagnosed with cancer and received sick leave in order to undergo surgery and subsequent treatment. The employer terminated her employment contract, claiming that there was an unjustified delay in submitting the documents related to the extension of the employee's sick leave. In a meeting which took place in the offices of SEPE, the reasons for the delay in the submittal of documents were clarified. The company was also informed that employers were obliged to take all appropriate measures so that employees with chronic diseases are able to work and be promoted, provided that these measures do not impose a disproportionate burden on the employer. Eventually the termination of contract was revoked, and it was agreed that the employee would continue her work after the end of the treatments she received (case 285500).
	WORK › REASONABLE ACCOMODATIONS	A female employee complained to SEPE that she was fired from her work a month after she had undergone a double mastectomy. She worked for a company that hires and retains workers for the purpose of lending them to its cooperating companies. She provided her services within the framework of a project contract that the employer had signed with a third company. The employer claimed that the dismissal was due to the discontinuing of the marketing department of the third company. The Ombudsman addressed both companies and found that the employer did not meet the obligation of care, nor the obligation to make reasonable adjustments towards the employee. The Ombudsman proposed that the Department of Labor Inspection impose a fine. However, all involved parties compromised and the fine was not imposed (case 262683).

DISABILITY OR CHRONIC DISEASE	WORK › REASONABLE ACCOMODATIONS	A female worker with a disability (deafness) was fired after 22 years of uninterrupted work. Her complaint was submitted to the Labor Inspectorate (SEPE) and the Ombudsman sent a written intervention in order to be included in the relevant file and to be taken into account during the scheduled SEPE proceedings. In its intervention the Ombudsman referred to the facts of the case, laid out the applied legal framework, emphasizing the obligation of the employer to make reasonable accommodations for employees with disabilities. The Ombudsman called for a reconsideration of the possibility of re-employment of the dismissed employee. During the discussion at SEPE of the labor dispute the employer decided to re-employ the employee (case 288348).
	WORK › REASONABLE ACCOMODATIONS	A female employee of a municipality asked the Ombudsman to investigate the delay of her employer to examine her application for reduced working hours due to the fact that she had to tend to a member of her family with a disability. The Ombudsman addressed a letter to the Municipality and finally the employee was granted the reduction of working hours by one hour a day (case 288008).
	WORK › REASONABLE ACCOMODATIONS	SEPE forwarded to the Ombudsman a complaint from an employee with a chronic illness working at a bank. It concerned the transfer of the employee to another branch and increase in her workload. The employee presented a relevant medical certificate and claimed that she suffered from epileptic seizures due to stress caused by the changes in her working environment. After examining the case, the Ombudsman was informed that the employee's health problem was not initially known to the bank and subsequently the complainant returned to her work at the original branch. The Ombudsman recommended that the bank should take into account the health condition of the employee and to assure that her official treatment in the workplace is in accordance with the provisions of current legislation to provide reasonable accommodations (case 268409).
	WORK › REASONABLE ACCOMODATIONS	An employee of a municipality requested that his employer enforce some measures to accommodate him due to a serious chronic health problem he encountered, so as to not be exposed to excessive stressors in his working environment. The Ombudsman determined that, while there was an intention on the part of the employer to accommodate the employee, the decision to do so was delayed out of fear of creating disputes among other employees and of giving the impression that there was discriminatory preferential treatment. The Ombudsman emphasized that making reasonable adjustments does not constitute discrimination against

DISABILITY OR CHRONIC DISEASE	WORK › REASONABLE ACCOMODATIONS	other employees serving in the same department, as long as they did not face health problems of similar severity, but rather a measure to facilitate the day-to-day of the employee who faced health problems. Indeed, the municipality took measures to transfer the employee to a less stressful role, in accordance with the instructions given by the Authority (case 260356).
	WORK & SOCIAL BENEFITS	A legal guardian to a person with 80% disability requested the intervention of the Ombudsman because the public service she approached- an Enlarged Community Center of a Municipality- did not accept the application of her ward declaring his intention to work for a company near his place of residence, for reasons of psychosocial rehabilitation. The service seemed to believe that if it received such an application, the disability benefit received by the person under guardianship would be cut off. The Ombudsman on one hand asked the service to receive and register the application and, on the other hand, pointed out that according to the provision of no. 23 of Law 4488/2017, when the undertaking of employment or self-employment is appropriate for reasons of psychosocial rehabilitation and social integration, the granting of disability allowance to the beneficiary is not interrupted. The service agreed that the beneficiary falls within the scope of the provision (case 282218).
	VOCATIONAL TRAINING	In the Rules of Operation of Tour Guide Schools of the Ministry of Tourism there is no stipulation for offering tour services in sign language. However, graduation from Tour Guide Schools is a basic requirement to be employed in this profession. The Ombudsman pointed out to the Ministry of Tourism that the lack of this stipulation prevented people who use sign language to enjoy tour services at the same level as others when visiting museums, monuments, etc., and recommended that appropriate measures be taken. The Ministry argued that the Greek sign language is not properly scored for the admission of candidates to the Tour Guide Schools because it is not considered a foreign language. Furthermore, the Ministry denied that there is an issue for sign language tours, arguing that anyone who knows sign language can be admitted to the tour Guide school and that it is possible to be guided by a qualified tour guide with the help of an interpreter who knows sign language (case 271047).

AGE	WORK	The age limit of 35 years, which was set as a requirement for the participation of candidates in a competition to fill positions in the Department of Accounting in the Bank of Greece, was examined by the Ombudsman in the context of a complaint that was submitted to the Authority. This age limit stipulation was provided in a Ministerial Decision. From documents submitted to the Ombudsman by the Bank, it emerged that the setting of this age limit was linked to the flexibility needed for official bank transfers and for adaptability to the computer work of the institution. The Ombudsman recommended to the Bank that they revise the age limit. The Ombudsman also noted that the correlation of age with the mentioned qualifications made by the bank was not obvious nor the necessity of the proportionality of this age limit measure (indicative, cases 257173, 258728).
	WORK	The age limits (40th and 28th year), which were set for filling in staff positions (IDAX) of various specialties for an indefinite period in OSE were the object of a significant number of complaints. The Ombudsman inquired about the reason for this age requirement. Finally, the Ombudsman accepted the organization's justification for the age limit which was to establish balance and to ensure that individuals of all ages were equally employed at the company. Thus the company deemed appropriate that the newly announced positions were covered by younger staff (indicative, cases 225783, 226954).
	WORK	Following a complaint regarding the maximum age of 45 set as the limit for candidates to participate the in the admissions competition of the National School of Judicial Officers, the Ombudsman proposed to the Minister of Justice either the increase of the maximum age limit or it's complete elimination (case 272201).
FAMILY STATUS	WORK	Substitute teachers complained about the special treatment that full-time teachers received, regarding parental leave and the ability to take days off for the purpose of monitoring the school performance of their children, in comparison to them. The Ombudsman in his interventions with the Ministries of Education and Labor proposed that both substitute and full-time teachers receive equal benefits regarding parental leave and days off to monitor their children's education, regardless of whether the employment relationship is permanent or fixed-term, provided that the facilitation are aimed at meeting the specific special needs of the employees and

FAMILY STATUS	WORK	their family members. In accordance with a 2020 law, equal benefits were given to the substitute and full time teachers, a development which resolves the issue raised by the substitute teachers (case 268378).
	WORK	A newly appointed teacher, who is a foster parent of three minor siblings, rightfully applied for a 9-month parental leave for her second child. However, her application was rejected. The service advised her to apply again but this time in order to obtain the parental leave for her third child and subsequently, to apply to obtain the remaining period of the parental leave for her second child. The Ombudsman pointed out to the Ministry of Administrative Reconstruction that there is no provision which obliges a newly appointed employee, who has more than one biological child under the age of four, to follow this application practice in order to receive parental leave. The Ombudsman emphasized that the teacher should receive the same treatment as the birthparents of minor children, of the same age as her children and requested the reconsideration of the teacher's application. The response of the service is expected (case 273156).
	WORK	ELAS rejected a police officer's request for three-month paid leave due to the birth of his fourth child on the grounds that this leave, in accordance with the internal police regulations, was granted only once in an officer's career, and only after the birth of their third child. The Ombudsman had already repeatedly addressed the Ministry of Interior in regards to this issue on the basis of similar rejections submitted by civil servants. Responding the Ministry issued a circular in 2019, clarifying that in the case of a birth of a third or more children, the three-month paid leave must be granted separately for each child. Following this circular, the relevant internal police regulation for granting this type of leave to police personnel was amended. The three-month leave was finally granted to the complainant (case 241653).
	WORK	Hellenic Army General Staff (GEN) rejected the application of a military man, who had custody of his minor children from a previous marriage, asking for exemption from his ship's seagoing duties. Due to the fact that the military man was in a new marriage GEN did not consider him to be divorced. The Ombudsman pointed out to GEN that the applicant is considered divorced in terms of his obligation towards his children from the previous marriage and that any official obligation of carrying out obligatory night shifts would prevent him from exercising his child care duties. GEN insisted on its original

FAMILY STATUS	WORK	position. In the end, however, the military man's request was granted, following the modification of the relevant army regulatory framework, where it was explicitly provided that there must be an exemption of military personnel from services requiring overnight stays at the ship or participation in navy exercises when they have sole custody of their minor children (case 252515).
	WORK	A police officer's application to take sick leave to take care of his child was rejected on the grounds that this leave was provided by law only to the civil administrative personnel of the state and the NPDD staff and not to police officers. Addressing the Greek Police (ELAS) Headquarters the Ombudsman asked if there was any intention of the ELAS to extend the right of granting sick leave to police officers to care for their children. Finally, in November 2020, the relevant Presidential Degree (PD) pertaining to police officers' sick leave was modified and this right can now be granted to police personnel (case 264187).
	WORK	A father working as a temporary Teaching Staff at the Academy, applied for leave of absence to attend school meeting regarding the performance of his child, as well as for a special purpose leave which was granted to civil servants pursuant to par. 1-.4 of article 5 of 11.03.2020 of Act of Legislative Content (PNP). These requests were rejected on the grounds of the employee's employment contract (private law contract of indefinite duration (IDOX) and hourly wages). The Ombudsman asked the Academy to disclose which specific provisions were applied in its service to grant each specific leave of absence and the facilitations provided to the rest of its civil service employees with an IDOX employment contract and to adequately justify the decision. The Academy's response is expected (case 281345).
	WORK	An employee of the Fire Brigade requested an exemption from his service process of transfers- secondments on the basis of a relevant provision that allows divorced individuals with custody of children to be exempted. For this purpose he submitted a notarial deed that provided for the dissolution of his marriage and the assignment of his child's custody to him. However, his application was rejected on the ground that this provision of exemption applied only to individuals which had the custody of a child by a court decision. The Ombudsman pointed out to the Fire Brigade that the relevant provision also includes employees who have taken steps towards the dissolution of their marriage and the child's custody in a

	WORK	legally secured manner, as with a notarial deed (according to art. 22 of Law 4509/2017, which amended relevant provisions of the Civil Code). The Authority asked for a reconsideration of the complainant's application (case 287485).
FAMILY STATUS	WORK	A civil servant applied to transfer to a service near his residence, under specific provisions regarding the mobility of employees as he was the legal guardian who had the custody of his disabled brother. His request was denied by the Central Mobility Committee (KEK) on the grounds that he was not a first degree relative and did not fall within the scope of the relevant provision. The Ombudsman explained to KEK that that the specific provision, regarding the transfer or secondment of employees for health reasons, of the employee himself or of a person directly related to the employee, was a positive measure intended to benefit either, directly an employee with a disability or chronic illness, or an employee who cares for a person with disability or a chronic condition. Underlining the fact that after the death of their parents the complainant was the closest relative of his disabled brother who resided with him, the Ombudsman asked for the reconsideration of the complainant's application to transferred to a service near his residence. Response of the service is expected (case 287495).
SOCIAL STATUS	WORK	An employee complained about the delay in completing the process of converting his short-time employment contract to an employment contract of indefinite time, and his placement in the Ministry of Culture and Sports, following a positive decision on his case by the Legal Council of the State (NSK) regarding the non-existence of an obstacle for the conversion of his contract on grounds of a previous criminal conviction. The Ombudsman pointed out to the Ministry that the previous conviction of the employee should not be an obstacle for his appointment. The Ministry clarified that the reason for the delay was the non-existence of a vacancy for the specific specialty. Eventually, the process of converting his contract into one of an indefinite period was completed (case 266471).

SEXUAL ORIENTATION	GOODS & SERVICES	The Ombudsman received a complaint from a same-sex couple, married in an EU country. It regarded the refusal of the competent service of the Directorate of Foreigners and Immigration of the Decentralized Administration of Attica to receive an application from one of the spouses, who is a third country national, to grant him a residence permit as a family member of an EU citizen. The service claimed that same-sex marriage is not valid in Greece. In his letter to the service, the Ombudsman pointed out that under current European legislation, for the issuance of a residence permit to a family member of an EU citizen, it is sufficient to provide, by any appropriate means, a proof of the existence of a cohabitation relationship. The Ombudsman was subsequently informed that the spouse had been granted a residence permit (case 285984).
GENDER IDENTITY	EDUCATION	A mother of a transgender student complained to the Ombudsman about the refusal of most teachers to accept their child's gender identity. The Authority cooperated with the teaching staff at the school in order to properly inform teachers and students regarding the best interest of the underage student and for the protection of his rights (case 268928).
MULTIPLE DISCRIMINATION	WORK	The Ombudsman was forwarded a complaint from SEPE that was filed by a disabled employee for harassment while working in a municipal utility company, by the mayor and then a member of the company's board. After examining the case the Ombudsman established the responsibilities of the mayor, those of the chairman of the Board of Directors and of the municipal council and suggested the imposition of a fine on the company for the violation of the employer's care obligation and discrimination against the employee. At the same time, he suggested the referral to a disciplinary control of the Board and the Mayor (a then member of the Board). A fine of 2000 euros was imposed by SEPE and the competent decentralized administration initiated a disciplinary audit calling them to apologize to the employee (case 257920).
	WORK	An employer posted an ad for a job on Facebook asking for a female employee up to 30 years of age, to work in a hotel reception area. The ad was brought to the attention of the Ombudsman by a candidate who did not meet the age criteria. The Ombudsman informed the employer in writing about the national and European legal framework for protection against discrimination on the grounds of both gender and age, and recommended to refrain from publication of similar advertisements in the future (case 275685).

MULTIPLE DISCRIMINATION	**WORK**	A teacher, who is the mother of two children with severe disabilities, complained about degrading treatment and discrimination against her by the management of the school where she worked. She attributed this negative behavior to her marital status and the divorce application she had filed. In particular when the complainant requested the observance of her work schedule for the provision of administrative work, which she had been granted by a decision of the competent directorate of education, she was reported for unjustified disobedience, while her previous request for transfer to a special education school was withdrawn following objections from the school's management. Following the mediation of the Ombudsman, who outlined the legal framework for the prohibition of discrimination at work, the secondary education directorate sought the opinion of legal counsel on the issue of working hours and made recommendations to the parties involved with a positive outcome (case 273332).
	GOODS & SERVICES	The Center for Child and Family Support requested the Ombudsman's intervention in order to facilitate the registration of an adult Greek Roma Muslim mother of three minor children, who also had not been registered due to the mother's pending municipal registration. The Municipal Registry Department where the complainant had applied and where her own mother had a family entry, did not register her, even though she had submitted relevant court decisions, stipulating the changes that had to be made regarding the correction and completion of her personal data on her birth certificate, and despite the fact that, based on these judicial decisions, a new birth certificate had been drawn up. In spite of all the difficulties encountered with the involved services in the case, the mother's registration was finally carried out and she acquired her entry in the municipal registry and her identity card (case 266527).
	SOCIAL BENEFITS	A request of a mother who was a third country citizen and had a child with her Greek partner to receive a birth allowance was rejected by OPEKA on the grounds that the criteria for her permanent residence had not been met. The Ombudsman asked OPEKA to reconsider the request, noting that the restrictive interpretation of the relevant provision for proof of permanent residence, could exclude from birth allowance decisions foreign mothers who were legally residing in the country and did not have to submit a tax return. OPEKA finally informed the Ombudsman that it would pay the allowance (case 280546).

MULTIPLE DISCRIMINATION	**EDUCATION**	A request for parallel support, submitted by a forty-four-year old second year high-school student with a disability, could not be satisfied based on the current legal framework due to exceeding the maximum age provided there. The Ombudsman addressed the Ministry of Education requesting that the approval of parallel support in this case be considered as a measure of reasonable adjustment. A response form the Ministry is expected (case 286066).

ISSUES OF APPLICATION AND INTERPRETATION BY GROUND OF DISCRIMINATION

Issues of application and interpretation by ground of discrimination

This chapter presents specific interventions carried out by the Authority in 2020. The aim is to highlight issues which may be of a more general interest. They are introduced according to the type of discrimination they concern, or as individual cases of heightened interest.

Discrimination between women and men

The issue of reconciliation of work and family life of employees remains central among the Ombudsman's priorities. It is considered to be an issue of equal treatment and a means of combating discrimination.

It is an area where significant progress still needs to be made to ensure the balanced participation of men and women in the labour market and the family domain. Besides, the lack of balance or the difficulties in reconciling work and family life have been discerned by the Ombudsman not only during the employment relationship (e.g. family leaves, return from leaves to subordinate positions) but also during its dissolution (e.g. invalid and abusive dismissals of pregnant women, mothers, women or men caregivers of persons in need of support due to disability or old age).

The period of the corona-virus pandemic highlighted to a considerable degree the problems encountered by the workers in this field, due to the extraordinary conditions it generated. The assessment of employees working conditions would be useful for the design of new measures which would be aimed precisely at achieving a more adequate harmonization of work and family obligations of working men and women.

Below you will find the response of the General Secretariat for Demography and Family Policy and Gender Equality to the central 2019 Ombudsman's intervention, in view of the obligation of the country to integrate Directive 209/1158 into national law. Following, the case of an unfair restriction of the right to parental leave and the curtailing of the right of a surrogate mother to maternity benefits are illustrated. Finally, special reference is made the Ombudsman's competence regarding sexual harassment, where the scope of the Authority's intervention in the public and private domain is articulated. This is done through the highlighting of a characteristic case of sexual harassment which was examined by the Ombudsman this year.

Work-Life Balance

A major issue in achieving gender equality in the field of employment is the adoption of measures directed at the elimination of inequalities caused by gender roles distribution within the family and the workplace. However, these measures will be proven incomplete if not accompanied by the establishment of the necessary structures to support the caring of the children of working parent(s). This is a fact that was evidenced in the recent emergency situation as a result of the measures undertaken to reduce the spread of the pandemic.

In view of the forthcoming transposition of Directive 2019/1158 of the European Parliament and of the Council of June 20th, 2019 into national law (which aims at balancing the professional and personal life of working parents and caregivers), **the Ombudsman made specific proposals, as early as 2019, on issues of child support and parent's conveniences which were brought to the attention of the General Secretariat for Demography and Family Policy and Gender Equality[3].**

The General Secretariat of Demography, Family Policy and Gender Equality, responding to the relevant intervention of the Authority (after reviewing the Om-

3. See *Equal Treatment Special Report* 2019, pp.93-95.

budsman's proposal for the introduction of a uniform six-month leave for all employees who have a private law employment contract and who, for this reason, are not covered by the provisions of the Civil Service Code) proposed to the co-competent ministries of Interior, Labour, and Social Affairs to amend the provisions of Greek legislation in the direction of its harmonization with the above directive. Briefly, according to the aforementioned document the General Secretariat of Demography, Family Policy and Gender Equality proposed the following:

- The extension of paternity leave to at least ten days with pay for public and private sector employees.
- The introduction of paternal leave lasting six months for all those employed under a private law employment contract in the private and public sectors (unless they are covered by the Civil Service Code). According to the proposal, the leave will be subsidized at least in part by OAED, and two months of this leave will be considered an individual non-transferable right of each parent.
- The introduction of flexible forms of work for working parents and caregivers for a specific period of time.
- The introduction of leave and conveniences for working caregivers who are responsible for the care of adults or their dependent relatives (e.g. parents, spouses).
- The protection of labour rights of employees, who make use of leave and conveniences provided for in the Directive, by prohibiting their dismissal and discrimination and by ensuring their return to the same or equivalent job on non-adverse terms.
- The protection of the father from dismissal, for a certain period of time, from the moment he announces to the employer the impending birth of his child, as respectively provided for the mother.

In addition, besides the issues regulated by the Directive, the General Secretariat of Demography, Family Policy and Gender Equality also recommended the introduction of maternity leave because of adoption of a child. Furthermore, they recommended leave for receiving assisted reproduction services to female employees who are under private law contract. Finally, the General Secretariat proposed that the Ombudsman be appointed as the body for ensuring the prevention of discrimination against employees in matters regulated by the Directive, without prejudice to the responsibilities of SEPE.

The impending transposition of the Directive and the above relevant legislative initiative are important steps and an opportunity to streamline and eliminate the large gaps and often unjustified disparities existing in various categories of public and private sector workers, in terms of parental leave and family facilities. At the same time, the strengthening and legal safeguarding of rights aimed at the substantial and equal partaking of both parents to the upbringing of children, is expected to decisively contribute to the combating of gender stereotypes that counterbalance work and family life for workers; both women and men. In any case it is important to emphasize the value of maintaining the special status of leave related to maternity protection, when it is linked to the biological condition of the woman and the special relationship with her child (protection of pregnant women, post-natal and nursing mothers).

Unfair restrictions on parental leave

The Ombudsman investigated a significant number of reports of newly appointed teachers (former substitute teachers), who complained about the content of circular No. 108357/E3/21.08.2020 of the General Directorate of Teaching Personnel of Elementary and Secondary Education (Independent Department of Special Education Staff and Education Support Staff) of the Ministry of Education and Religion. According to this circular, teachers or members of Special Education Staff (SES) and Education Support Staff (ESS), who at the date of their appointment have a child over two years of age, are not entitled to parental leave. The circular of the Ministry of Education states, among other things, that *"in the case of teachers the facilitation of the reduction of working hours is a reduction of their teaching hours by two hours per week until the child turns two, according to No. IB/12480/30.12.1992 JMD (Government Gazette 750 B'/1992)".*

The Ombudsman, in a letter to the Ministry of Education pointed out that the above-mentioned circular creates a new regulatory framework which ends up annulling the provision of the law. It generates an unfair distinction between older and newly appointed teachers who have children 0-2 years of age and 2-4 years old while it restricts, without a legal basis, the right to receive parental leave for those in the second category. The Ombudsman also stressed the abrupt change of the regulation, which was issued shortly before the start

of the school year and its serious side effects on the family planning of the affected teachers.

In addition, the Ombudsman referred to the opinion No. 64/2008 of the Legal Council of the State (LCS), which was accepted by the competent Minister and applies to all newly appointed civil servants who fall under the scope of the Civil Service Code since 2008. This Opinion restricts the right to parental leave of employees who have a child up to four years old, with the justification that they are entitled to receive only a portion of the continuous parental leave, equal to the sum of the reduced working hours they are entitled to (not the full leave). This Opinion has been criticized for shaping a rule of law without being based on a legislative provision, since no formal law has been passed that explicitly amends the article of the Civil Service Code which regulates these issues. At the same time, the established jurisprudence demonstrates that the content of Opinion No. 64/2008 has not been adopted or applied. On the contrary, the fixed case law of the administrative courts in all relevant cases, which refers to parental leave, applies to the provision of article 53, para. 2 of Law 3528/2007 (Civil Service Code).

Based on the above, the Ombudsman requested that circular No. 108357/E3/21.08.2020 of the Ministry of Education be re-evaluated and revoked, as it has no basis in the relevant legislation and introduces a regulation contrary to law, which violates the legal rights of newly appointed teachers. It was also deemed necessary to take measures to ensure equality in the provision of conveniences for the protection of the family to all teachers and members of the Special Education and Education Support Staff (indicative, case 284201).

Rights of Surrogate Mothers regarding Maternity Benefits

A surrogate mother's application for maternity benefits to EFKA was rejected. In particular, the insured surrogate mother was granted only pregnancy but not nursing allowance, citing the provisions in the Civil Code related to medically assisted reproduction and legislation regarding Civil Register Acts.

The Ombudsman pointed out to EFKA that the granting of maternity leave to employees is provided in accordance with the applicable law (Article 11, Law 2874/2000 which ratifies Article 7 of the ESSE of 23.05.2000). This leave, together with the special maternity protection benefit for the care of the child (6monthly OAED maternity benefit) is now granted to the mother who has a child through surrogacy (article 44, para. 2 and 3, N. 4488/2017). The Ombudsman underlined that from the combination of relevant provisions, there is no dispute regarding

the right of the pregnant woman to receive maternity allowance. In fact, with the provisions of Law 4488/2017, the above protection was extended to the surrogate mother.

The benefits of the surrogate mother are a part of the increased protection recognized in pregnancy and childbirth, which is secured by the international, European, and national legislative framework. It is clear, moreover, that the state of pregnancy and childbirth create conditions of vulnerability for women, during which the body undergoes significant changes and requires a considerable amount of time before returning to normal.

It is accepted that the portion of maternity leave that concerns the after- birth period (birth and nursing leave) aims primarily at allowing the female body to recover from the distress and the shock suffered due to pregnancy and childbirth. It also provides the employee with extra time needed to care for the newborn (see NSK 194/05 Opinion). Therefore, once an EFKA insured woman had been found in a state of pregnancy and childbirth, that is, she's been in a state of health which is protected by the aforementioned legislation, her status as a surrogate mother should not be influential.

After all, according to the case law of the Court of Justice of the European Union (ECJ) the purpose of Directive 92/85/EEC is to create certain minimum requirements for the protection during work of pregnant, lactating, or nursing workers. However, the Directive does not exclude the possibility for Member States to adopt or to implement more favourable legal, regulatory or administrative provisions for the protection of the safety and health of legal mothers[4] who have had a child under a surrogacy agreement (Opinions 41 and 42 in Case C-167/12). Consequently, **the denial of maternity benefits to women who are pregnant, or have just given birth as surrogates violates the minimum protection limits set by Directive 92/85/EEC and consequently, the national framework which is incorporating it.**

The above observations to EFKA were also notified to the Ministry of Labor and Social Affairs and a response is expected (case 272819).

4. Based on the National legislation regarding surrogacy, article 1464 of the Civil Code.

Sexual Harassment

Sexual harassment in occupation and employment is considered discrimination based on gender and falls under the protection provided by Law 3896/2010. It is also, in accordance with this law, the responsibility of the Ombudsman, as the competent body to promote the principle of equal treatment.

- **When the relevant complaint concerns the public sector**, the Ombudsman may request a disciplinary control review against the accused and to monitor the completeness of the disciplinary investigation and its final conclusion. A control procedure can also be initiated in cases where an administrative body has not or has improperly investigated an individual complaint (e.g. a patient complains to the medical association that she has been sexually harassed by a doctor, a member of the association, and her complaint is not investigated or is investigated without substantive examination of the accusation made)[5].
- **When a complaint concerns a private employer**, the Ombudsman works closely with the competent Department of Labour Inspection (SEPE). The Ombudsman's representative is present at the labour dispute discussions and if, after conducting a thorough investigation, sexual harassment is determined to have occurred the Ombudsman proposes the imposition of administrative sanctions by SEPE.
- The Ombudsman can also examine a relevant complaint **after it has been forwarded** to the Authority by another service or body, something which is provided in legislation as its obligation. Finally, a public authority may address the Ombudsman in order to request an opinion or assistance on an issue concerning the implementation of Law 3896/2010.

Sexual harassment usually does not occur in front of other people, so there are rarely any witnesses to the incidents in question. Also, in these cases, the allegations of the two sides regarding the events in question are diametrically opposed. For these reasons it often becomes extremely difficult to render evidence to arrive at a safe judgment as to whether sexual harassment has occurred.

5. See also *Equal Treatment, Special Report 2019*, pp. 25 and pp. 47-48.

The difficulty of proving the accusations is often the reason why victims of harassment are reluctant to report such complaints to their employer or the competent authorities.

The Ombudsman's experience demonstrates that often, especially in the private sector, complaints of sexual harassment are made after the dismissal has taken place and therefore the fear of losing one's position no longer exists. Frequently, also, emerges the employer's faulty response to its obligation to safeguard the complainant's rights and to restore the working climate. An indicative case on this subject is the one that follows.

Working for three years as a clerk, on an indefinite time employment contract, an employee informed her employer by telephone that one of her colleagues had sexually harassed her. On the same date, she submitted an official complaint to a police station. The competent police officer telephoned the employer and urged her to look into the matter, while the worker's mother also called the employer about the same issue. The employer advised the complainant not to go to work for two days.

When the employee returned to work her employer asked her to describe in writing the reported behaviour. According to the description the sexual harassment was both verbal and physical. The next day, the employer informed the employee via email that her employment contract was being terminated due to financial difficulties. The message made no mention of the sexual assault allegation.

The applicant lodged a complaint with the Ombudsman and SEPE. In the context of the investigation of the case, the Ombudsman called on the employer's side to be informed about the actions the employer undertook when she was informed of the complaint of sexual harassment by the applicant and police department. The employer's response showed that she did not take any action to investigate the allegations.

The Ombudsman concluded that the employer did not fulfill her obligation of care owed to the employee, considering that, even though she was informed of the insulting incident against her employee, she did not take any measures to safeguard the work interests and dignity of the employee.

The employer's claim also that the complainant was dismissed due to financial problems of the company was not considered sufficient. Even if there were financial reasons, the time at which the company relayed them (one day after the employee submitted her written allegations on her colleague's behaviour) combined with the fact that the company did not provide any explanation as to reasons for which the complaint was not thoroughly examined, directly link her dismissal with her complaint of sexual harassment. Given this chronological sequence of events, and the insufficient rebuttal of the reported incidents, the Ombudsman proposed to SEPE that administrative sanctions be imposed to the company, considering that the applicants employment contract was terminated in violation of Article 14c of Law 3896/2010, that is, it was done as a negative reaction by the employer following a complaint of sexual harassment.

Discrimination on grounds of racial origin

Apart from the issues of disproportionate effects pandemic measures had on the Roma population, which are extensively highlighted in the specific chapter on the pandemics, in this chapter the Ombudsman focuses on an issue that is systematically reiterated in the complaints the Ombudsman receives and is related to the impartial and equal provision of public services.

The refusal to issue required certificates for a real estate contract when the contracting buyers are members of the Roma community is a recurring problem.

The Ombudsman in the past had received and investigated a significant number of complaints regarding this refusal from the part of the municipalities of the Region of West Attica (former Municipalities of Ano Liossia, Zefyri and Fili).

Obstacles to the process of purchasing real estate by a Roma individual

In 2020, complaints, submitted by non-Roma citizens who wished to proceed with the sale of real estate located in the Municipality of Filis, were examined. An example is the case of a complainant who had applied to the municipality of Filli for a certificate of Real Estate Tax (TAP). Despite her repeated requests for information on the progress of her application and regardless of her sending of an extrajudicial document to the competent service for its non-response, the case was still pending, for a period of more than 17 months after the submission of the original request. At the same time there was no official information on the reasons for this excessive delay.

Moreover, in all the complaints examined, the sellers and potential buyers claimed that they had been informally informed by the municipality that the control procedure of their application has been completed, but that the certificates are not issued because the buyer is Roma.

The above cases were investigated under the provisions of Law 4443/2016, according to which the Ombudsman is body responsible to monitor the implementation of the principle of equal treatment regardless of race, as far as this pertains

to the access, distribution and provision of goods and services, which must be fairly made available to the public (Articles 14 and 3).

The Ombudsman, addressing the involved municipality pointed out that the refusal to issue TAP and the rest of certificates necessary for the sale of real estate to a citizen, for reasons linked to the fact that the prospective buyer is Roma, constitutes indirect discrimination due to racial origin. The Ombudsman underlined that in case of violation of the principle of equal treatment, severe sanctions are to be imposed. Regarding the obligation of the municipality to issue the requested certificates, the Ombudsman stressed that their issuance is not at the discretion of the municipality, but it is its obligation, provided of course that the requisite conditions for their issuing are met, according to Article 24, para. 18 of Law 2130/1993, as amended and is in force.

Finally, it was pointed out that the excessive delay in handling the application constitutes a violation of the Code of Administrative Procedure. The Organizations of Local Administration are obliged to complete the citizen's applications within a deadline of 50 days otherwise they must inform parties on the reasons for the delay.

The municipality, in its response, claimed that the delay was due to issues unrelated to the racial origin of the prospective buyer. However, the complaints the Ombudsman has received demonstrate that there are serious indications that there has been a breach of the principle of equal treatment on grounds of racial origin in the provision of services by the municipality in question.

In view of the above and on the basis of the provision on the "reversal of the burden of proof" in cases such as this one, the Ombudsman called on the municipality to immediately inform the Authority of the following:

- The reason for the excessive delay in issuing the certificates in question, which are in fact simply of a verifying nature.
- The number of TAP grant applications submitted from June 2019 onwards. The number of pending applications, more than three months, and the reasons for the delay.
- The average time required to issue a TAP certificate.

Due to the particular importance of the issue and its recurrence, alongside with the risk it presents of exposing the country to the competent European institutions, in its last communication with the municipality the Ombudsman requested a detailed and legally justified answer within a strict deadline (cases 273377, 275381).

Discrimination on grounds of national or ethnic origin

Discrimination on the grounds of national or ethnic origin is manifested, directly or indirectly, in several regulatory or legislative provisions, making difficult to ensure equal access to rights and goods not only for third-country nationals, but also for EU or Greek citizens.

Discrimination due to ethnic origin in job announcements of public bodies and of wider public sector

The Ombudsman has been repeatedly called upon to intervene in matters of the differential treatment of Greek citizens who acquired Greek citizenship though the process of naturalization.

In fact, despite the abolition of the provision of the Civil Service Code that set the condition, of a lapse of at least one year from the acquisition of citizenship before their appointment to the public sector (article 47 para. 1 Law 4604/2019), several job announcements by public and wider public sector bodies (to which the provisions of the Civil Service Code do not directly apply) still contain terms that impose unfair time limits on naturalized Greek candidates.

The Ombudsman has consistently stressed that Greek citizens cannot be treated differently based on the manner in which they acquired Greek citizenship, as far as the exercise of a right or the enjoyment of a good is concerned. Apart from the fact that such a practice is contrary to the principle of equal treatment, according to Law 4443/2016, it also comes into direct conflict with the principle of equal treatment of all Greek citizens according to article 4 para. 1 of the Constitution. This provision does not allow the legislator any range of differentiation as to the treatment of Greek citizens on the grounds of the manner or the time in which

they acquired Greek citizenship. This is, after all, an issue that the Ombudsman has highlighted in its Special Reports on Equal Treatment since 2017[6].

It is worth noting that provisions of the Military Academies that set a criterion of national origin as a prerequisite for the admission of students, have already been declared unconstitutional based on article 4 of the Constitution. Indicatively, we refer to the decision No. 3317/2014 of the Council of the State, stating that *"... with the acquisition of Greek citizenship a new international legal status is created for the naturalized person, who is treated on equal terms with the person who has Greek citizenship by birth and, as a result, enjoys all the rights and bears all obligations determined by the legal status of the Greek citizen... In this context...it is not constitutionally permissible to discriminate against Greek citizens according to their national origin".*

For the above reasons and because the use of the above term is still found in various job announcements of the public and the wider public sector, the Ombudsman called upon the Ministry of Interior to consider the possibility of issuing a clarifying circular, addressed to all bodies, stating that "it is not permissible to distinguish between Greek citizens depending to whether they have acquired Greek citizenship by birth or through naturalization, nor is it permissible to introduce time constrains, in order to avoid, as far as possible, similar phenomena of discrimination in the future," (indicative, case 277103).

Childbirth allowance to a foreign mother

The provisions of Law 4659/2020 introduced the issuing of a birth allowance of 2000 euros for every child born in Greece, provided that specific conditions are met. The beneficiary of the allowance is the mother or the father of the child, or another person who exercises custody of the child, who resides legally and permanently in the country and has one of the following characteristics: a) is Greek citizen, b) is an expatriate, who has Special Identity Card for Expatriates, c) is a citizen of an EU Member State, d) is a citizen of a country belonging to the European Economic Area or a citizen of the Swiss Confederation and e) is a citizen of a third country residing in Greece for the last twelve years before the year of

6. See Special Report 2017 on Equal Treatment, p. 51, https://www.synigoros.gr/resources/docs/ee-isimetaxeirisi-2017-gr.pdf, Special Report 2018 on Equal Treatment, p. 72- 73, https://www.synigoros.gr/resources/docs/ee_im_2018_en.pdf and Special Report 2019 on Equal Treatment, pp. 55-57, https://www.synigoros.gr/resources/docs/ee im_2019_el.pdf.

the birth of the child. At the same time, the relevant provisions state that exceptionally for children born in the country in the years 2020 to 2023 the allowance is granted provided that their mother, as a third country citizen, resides permanently in Greece from 2012 onward. The twelve years period of permanent residence in the country of third-country nationals is evidenced by the submission of an income tax return of themselves or their spouses for each of the prescribed tax years or, if they themselves are not tax return obligors, from the tax return in which they appear as dependent members. Finally, based on the provision of article 8 of Law 4659/2020, it is provided that the beneficiary of the allowance is also the mother who, although she does not belong to one of the above categories, resides legally and permanently in the country and the father of the child falls under one of these categories[7].

However, an application for a maternity allowance submitted to OPEKA, by a mother who was a third country citizen and had a child with her Greek partner, was rejected on the grounds that the criteria for her legal and permanent residence in the country were not met.

Taking into account the content of OPEKA rejection, the Ombudsman pointed out that the applicant mother resided in Greece since 2008 with a legal residence permit. However, for the years 2012-2014 she had not submitted a tax return, as she was not obliged, since she was attending a Greek university, while inadvertently, she was not declared as a dependent member in her father's tax return.

Regarding the rejection of the application the grounds of non-proof of the condition of required time of residence in the country by the foreign mother, the Ombudsman called on OPEKA to avoid a restrictive interpretation of the relevant provision for proof of permanent residence, taking into account only the tax return form, because this would exclude foreign mothers who had not obligation to file a tax return (due to studies, age or lack of income) from receiving the childbirth allowance.

Finally, the Ombudsman, requesting the review of the mother's application by OPEKA, underlined the fact that even if the mother was not eligible due to lack of

7. More specific issues for the application of these provisions and the control of the legality and permanence of the applicant's residence in the country are regulated by the No. D11oik. 8523 / 236 JMD (Government Gazette BD 490 / 18.02.2020).

proof of the aforementioned condition of legal stay in the country for the specified period, then OPEKA must examine whether the father, who had already officially recognized the child by a notarial deed and had him registered in his municipal family register, is eligible for the funding of the birth allowance.

The mother's request was finally granted (Case 280546).

It is worth noting that, after his successful intervention, the Ombudsman received additional complaints with similar content, pertaining to the rejection of applications for childbirth allowance to mothers of EU or third country citizens, whose partner and father of their child was a Greek citizen. These cases constitute a typical example of a restrictive interpretation of a beneficial law provision, which may lead to the indirect exclusion of beneficiaries who, due to their national origin, are not able to prove for formal reasons that they meet the relevant requirements. These cases were also successfully resolved, following the Ombudsman's recommendations to OPEKA for a review of the rejected applications.

Discrimination on grounds of religious or other beliefs

A small number of complaints are filed each year on issues of discrimination based on religious or other beliefs in employment and occupation. Correspondingly, a small number of complaints are submitted annually on these issues concerning areas other than employment and work. Below are indicative examples of both categories in the field of employment and in the field of service provision.

Indication of religion in electronic job applications

The Ombudsman received a complaint regarding the requirement to fill in religion, in the indicated box of an electronic application, for jobs in a large food trading company. In the context of the Ombudsman's competence as the national body responsible to monitor and promote the implementation of the principle of equal treatment regardless of, inter alia, religious, or other beliefs, in the private and public sector, in the field of occupation and employment, **the Ombudsman addressed the company's management and requested special justification, as required by law, for its practice of requiring job applicants to declare their religion. Contrarily, the Authority invited the company to ensure, within the prescribed deadline, the deletion of the relevant box from the electronic application form.**

Responding, the company replied to the Ombudsman that the field of religion had been inadvertently left in the form of electronic applications of candidates, from an older version of it, which had not been updated. He also informed that this field was removed, and the new form of the company does not include an indication of religion (case 272923).

Difficulties in obtaining a license for the use of portable equipment and the distribution of religious publications

The application of the local church of Jehovah's Witnesses, which was originally submitted in 2016, for a license to use portable equipment (stand) in public areas, for the purpose of exhibition and free distribution of religious publications, was rejected by the municipality on the grounds that the distribution of such publica-

tions constitutes an act of religious proselytism. The same request was repeated in 2017, but was rejected, again, on the grounds that there had been no substantial change in the reasons why it had been initially rejected.

From the year 2018, when the Ombudsman received the relevant complaint, until 2020, the Authority repeatedly addressed the relevant municipality, citing the legislation and jurisprudence of the European Court of Human Rights (ECtHR), which shows that the simple distribution of printed religious material does not constitute an act of proselytizing and it is therefore not lawful to reject the applications of interested parties on that basis. The Ombudsman had also pointed out that it is up to the municipality to decide whether it is necessary to grant a permit for the use of a common area, as requested by the relevant applicants, after weighing factors related to the requested area for use, the time that will be spent in it and the type of equipment which will be used (portable or stationary).

However, the municipality postponed the decision on the above issue and in fact, in the minutes of its competent Department of Quality of Life Committee meeting of the year 2019, stated that it has as its policy, for the proper operation of the island (where the request was made), not to grant such permits, because they are not provided in the Civil Code Operation of the Municipality.

The Ombudsman returned to the issue, pointing out that the Regulation does not explicitly prohibit the granting of temporary use of public spaces for exhibition and free distribution of publication materials. Of course this was indicated without underestimating the seriousness of the explanations invoked by the municipality in a previous document regarding public safety, due to the damage caused in the area by earthquake activity in the year 2017.

In the meantime, of the Ombudsman reviewed the no A4654/2019 decision of the First Instance Court of Piraeus. According to this decision the activity of distribution of religious content publications, using a wheeled frame, when it is performed occasionally and temporarily (e,g. in a non-specific and previously known position) does not require a permit from the competent municipality for the use of public space and, thus, any imposition of a fine for arbitrary use of this nature is not legal.

Nevertheless, the Ombudsman considered that the manner of handling the abovementioned applications by the municipality violates the principle of good administration. This is so because if a citizen (either natural or legal person) in good faith and diligently seeks to take all appropriate actions to ensure that his activity is in accordance with the relevant legislative requirements, the Administration must exhaust its discretion to facilitate the satisfaction of its request, based on the principle of good and impartial administration and the principle of proportionality.

It must, therefore, facilitate the exercise of legal rights and choose the legal solution that will be less burdensome for the citizen.

Summing up, the Ombudsman completed the intervention in this case by asking the Ministry of Interior to ensure the correct implementation of the legislation by the local authorities regarding the issue of granting the above permits (case 247838).

Discrimination on grounds of disability or chronic disease

The prohibition of discriminatory treatment due to disability or chronic illness applies, according to Law 4443/2016, in the field of employment and occupation and, despite the possibility provided of the law, it has not yet been extended to other fields. Nevertheless, the Ombudsman intervenes in all areas in which some form of ill-treatment is identified due to disability or chronic illness, using the United Nations International Convention on the Rights of Persons with Disabilities (CRPD) and Law 4488/2017[8], which clearly have a wide regulatory scope and special provisions for the equal participation of persons with disabilities in all areas of social, economic and political life of the country.

Exercise of the right to vote by citizens with disabilities

In view of the elections of May and June 2019, the Ministry of Interior issued circular No 27782 / 12.05.2019, on *"Facilities for the exercise of the right to vote by citizens with disabilities".* This circular was a useful tool for judicial representatives, who were called to apply the general provision of Article 83, para. 3 of the electoral legislation (Presidential Decree 26/2012). This provision stipulates that every voter with a physical disability is given the right to ask for assistance during voting from the representative of the judicial authority or from the members of the election committee.

8. The United Nations Convention on the Rights of Persons with Disabilities (CRPD) has been ratified by Law 4074/2012. At the same time, Law 4488/2017 (articles 59 et seq. Part D) established a general framework of regulations, in application of the provisions of the National Confederation of Persons with Disabilities, the main goal of which is removing obstacles that hinder the full and equal participation of persons with disabilities in social, economic, and political life of the country. With article 72 of this law, the Ombudsman was designated as the constitutionally guaranteed Independent Authority that constitutes the Framework for the promotion of the implementation of CRPD.

However, the need to protect and secure the right to vote of persons with disabilities, in accordance with the standards of the International Convention on the Rights of Persons with Disabilities (in particular, Article 29 "Participation in political and public life"), cannot and should not be met by issuance of explanatory circulars.

On the investigation of relevant complaints (cases 259522 and 260094), the Ombudsman pointed out, in December 2019, to the Ministry of Interior, that similar efforts in the light of the Convention on the Rights of Persons with Disabilities have been undertaken by other European countries, of which useful examples can be drawn[9]. Indicatively, it was mentioned that in the Netherlands every voter can choose the polling station which is tailored to their needs to exercise their right to vote. In Belgium the voter can use a specially designed space for voters with disabilities, located even outside the polling station to be accessible. Braille ballots are also available in Sweden and Spain, and in Poland voters with disabilities can vote by proxy. In Lithuania, citizens who are bedridden or in-patients of hospitals and other institutions vote in mobile ballot boxes. In Luxembourg, letter voting is provided. Finally, Estonia has implemented an electronic voting system, which is the easiest solution, as it can serve people with different types of disabilities.

Although in its response the Ministry of Interior claimed that the needs of people with disabilities during the election process were already covered through circulars, which it issued, **in the National Action Plan for People with Disabilities (objective 26) actions such as the above** were incorporated. This is positively assessed and is in line with the relevant recommendation of the Authority.

Compatibility of the financial assistance program for people with disabilities with the International Convention on the Rights of Persons with Disabilities

According to No. C4a / F.225 / 161/89 JMD (Government Gazette 108 B' / 1989), to be uninsured or indirectly insured is a condition for the receipt, by the beneficiaries, of the *"severe disability allowance"*.

9. European Economic and Social Committee, 2019, The real voting rights in the European elections of people with disabilities, at https://www.eesc.europa.eu/sites/default/files/files/qe-02-19-153-en- n.pdf

In light of an individual complaint examined, the Ombudsman pointed out to the Ministry of Labour that the above stipulation is contrary to the recommendation of the CRPD Committee, contained in General Comment 6 (https://www.ohchr.org/en/hrbodies/crpd/pages/gc.aspx) for Equality and Non- Discrimination. According to the relevant recommendation and comment of the Committee, to achieve or accelerate actual equality in the working environment, in accordance with Article 5 § 4 of the Convention, the Contracting Parties must, inter alia, ensure that individuals with disability will not lose their entitlement to disability benefits when they start working[10]. Also relevant is the reference made in the same General Comment, whereby, regarding Article 28 of the Convention on adequate standard of living, the Committee also acknowledges that persons with disabilities incur additional costs to have a standard of living comparable to that of other people[11] (Case 278998).

In addition, the Ombudsman reiterated that the CRPD Committee, in its final comments on the Report submitted by Greece, expressed concern about the unequal distribution of disability benefits among different categories of beneficiaries[12] and made recommendations for far-reaching comprehensive reforms to the overall policy pursued for financial support of people with disabilities[13].

The Ombudsman has not received a response. However the Authority records as consistent with its observations the objectives announced in the framework of the

10. See CRPD Committee General Comment on Equality and Non-Discrimination: 67. [...]In order to ensure reasonable accommodation as laid out in article 5 (3) and to achieve or accelerate actual equality in the work environment, as laid out in article 5 (4), States parties should: [...] c) Ensure that persons with disabilities are paid no less than the relevant minimum wage and do not lose the benefit of disability allowances when they start work.
11. 68. [...] To reach an adequate standard of living comparable to others, persons with disabilities typically have additional expenses. This represents a particular disadvantage for children or older women with disabilities who live in extreme poverty and destitution. States parties should take effective measures to enable persons with disabilities to cover the additional expenses linked to disability.
12. 40. The Committee is concerned that the rights of persons with disabilities under Article 28 of the Convention have been negatively affected by, inter alia:[...] (c) Reported instances of unequal treatment in the distribution of welfare allowances to persons with disabilities.
13. 41. The Committee recommends that the State party revise the relevant legal provisions and practices on welfare allowances, benefits, pensions and tax exemptions for persons with disabilities, thereby harmonizing the existing rules and repealing discriminatory rules and practices, including in the disability certification system. The Committee also recommends that the State party ensure effective implementation of the existing social protection framework, as well as progressively develop further measures to ensure an adequate standard of living for persons with disabilities.

National Action Plan for Disability (target 11 for the first observation and targets 8 and 15 for the second).

Start of courses for students with disabilities admitted to universities without exams at the same time as other students

In the context of taking positive measures for the equal access of persons with disabilities to public, free education, it is provided that students suffering from certain serious illnesses will be admitted to higher education without exams. This admittance will take place in excess of the number of entrants, by 5%. (article 35 of Law 3794/2009, as in force). However, there has been a significant delay in the completion of the above process, to such an extent that the registration of successful disabled students in their departments is carried out later than the registration of other students and, in any case, after the beginning of the school semester. This delay creates problems both in terms of the timely preparation and organization of the students, as well as in their attendance of courses.

This problem seems to recur every year and raises concerns about the equal treatment of students suffering from serious illnesses, compared to other newcomers to higher education, since the beginning of their studies systematically does not coincide with the start time of the academic year. This long-standing malfunction seems to alter the characteristics and the intended purpose of the adopted positive measure, i.e., to facilitate the access of these individuals to higher education.

To resolve this problem the Ombudsman proposed to the Ministry of Education the issuance of a decision regarding the completion (fill-in) of the computerized form by these students at the same time that it is done by the other student candidates in the national exams. With the timely submission of the computerized form, it is estimated that there will be sufficient time to carry out all the necessary actions for the prompt finalization of the candidate selection process, thus tackling the systematic delay in the start of studies of newly admitted disabled students. This will eliminate a serious malfunction which negates the intended purpose of the above positive measure, namely the equal access of these persons to higher education. Moreover, this course of action is also in the direction

of implementing the commitments, required by Article 24 of the UN Convention on the Rights of Persons with Disabilities, to access education without discrimination and on the basis of equal opportunities.

Discrimination on grounds of age

The prohibition of discrimination on grounds of age has been recognized by law as an essential element in ensuring equal opportunities in employment and occupation in all Member States of the European Union. It is therefore a general principle which can only be circumvented in exceptional cases, provided that there are extenuating circumstances justifying this derogation. Such circumstances may be: a) the peculiarities of the duties of a professional activity and b) the existence of legitimate employment goals in occupational policies, in the labour market and in vocational training objectives. However, this circumvention must always be in-line with the principle of proportionality. Thus, the provisions of Directive 2000/78 / EC and the provisions of Law 4443/2016 provide for a scheme of permissible "derogation" from the general principle of prohibition of age discrimination, but only under specific, strict conditions that do not invalidate or undermine the general ban.

This framework constitutes the perspective in which the Ombudsman, as the body overseeing the implementation of equal treatment on grounds of age, investigates relevant complaints. Given the requirement for special justification of any derogation from the prohibition of age discrimination, the Ombudsman insists on checking the legality of each such justification provided, under the terms and conditions set by the relevant legislation.

In practice, nonetheless, there is difficulty for institutions and services to fully justify the age limits they set. Even though positive results are gradually emerging in regards to both, the elimination of the unjustified discrimination and of the offering of more adequate justification for introducing age limits, there is still strong resistance as to the existence or not, of real or insurmountable by any other means need, to set age limits in employment and occupation.

Maximum age for practicing the profession of lifeguard

Working as lifeguards, employees appealed to the Ombudsman in 2016, asking for the abolition of the age limit of 45 years, claiming that in several countries there is no upper age limit for practicing this profession.

According to Presidential Decree 23/2000, the rights to occupation as lifeguards have those who are aged 18 to 45 years, have a relevant license in force and have a valid health certificate. In addition, according to the provisions of the PD, the success of the candidates in athletic performances is also a prerequisite for the issuance of a license to practice lifeguard. Given this precondition, the Ombudsman pointed out to the Port Police Directorate (PPD) of the Ministry of Maritime Affairs, that, in principle, the establishment of the upper age limit for this profession automatically excludes candidates belonging to older age groups than those provided, and also exclusion from suitability tests as to their ability and physical fitness[14]. This exclusion is therefore a fact which needs special justification.

The Port Police Directorate (PPD) argued that the effective and safe exercise of this profession presupposes high levels of physical and health condition, and that the physical examinations, of which the sports tests are part, are carried out once, during the process of issuing the lifeguard license, while the renewals of the license are done on the basis of health assessment documents of the person concerned. Nonetheless, PPD agreed to reconsider the age limit and requested cooperation with other competent services, including the Central Health Board (KESY), which nonetheless agreed with the set age limits in the in-force provisions.

The Ombudsman addressed the Executive Committee of KESY, requesting the relevant opinion and the specific justification of the competent body. The issue was assigned by the Executive Committee of KESY to a university professor of Medicine for his expert opinion.

With Presidential Decree 31/2018, work issues of lifeguards were re-regulated, but the maximum age of 45 years for their employment remained unchanged. Furthermore, with the decision No. A626 / 2018, of the Administrative Court of Appeal of Piraeus, a citizen who appealed against the rejection of the request for renewal of the lifeguard license due to exceeding the prescribed age limit was not justified[15].

14. In the case of Vital Pérez C-416/13 the ICJ ruled that, if candidates are required to successfully complete a fitness test in the recruitment competition, the upper age requirement is disproportionate to the aim pursued and therefore contrary to the provisions of the relevant Directive.

15. According to the reasoning of the decision, *'[...] the common legislature may regulate in a uniform or different way the various real or personal situations and relationships, taking into account the existing social, economic, occupational or other circumstances associated*

In the same year, the Plenary Session of KESY issued a decision based on which the lifeguard license can be renewed annually after the age of 45, provided that a medical certificate of health and ability to practice the profession is presented. The decision was accepted by the Deputy Minister of Health and was forwarded to the Port Police Directorate, in May 2019, for its actions.

In the light of the above development, the Ombudsman asked in 2020 the PPD to take action, in the direction of implementing the legislation on the prohibition of non-specifically justified discrimination in occupation and employment for reasons of age.

Finally, with Presidential Decree 71/2020 it was provided that, from now on, the right to employment as lifeguards have those who have a relevant license in force and are aged from 18 to 60 years. The renewal of the license presupposes the submission of medical certificates and success in sports trials (indicatively, cases 221992 and 235958).

Maximum age for admission to the National School of Judicial Officers

With the decision No. 3762/2010 of the Council of State (STE), the issue of establishing the maximum age of 40 years was examined, which was prescribed in the then in-force legislation (art. 10 par. 1 par. 3689/2008), as a condition for admission to the National School of Judges (E.S.Di). With this decision, it was determined that the introduction of the specific age limit was justified, as it served a legitimate purpose of public interest, while at the same time the established age limit was appropriate and necessary to achieve this purpose.

with each one of these situations or relationships, based on general or objective criteria, relevant to the subject matter of the regulation in question. In this case the legislator, with the aforementioned provisions of art. 12 par. 5 of PD 23/2000, set as a criterion for the exercise of the profession of lifeguard age lower than 45 years of age, a criterion that is general and objective and, consequently, the relevant regulation does not constitute an introduction of a gratuitous measure or privilege unrelated to the evaluation criteria and the above provisions are not contrary to the constitutional principle of equality. [...] ».

Despite the decision of Council of State (STE) in 2011, the provision in question was modified and the maximum age was increased from 40 to 45 years[16]. Moreover, now, with Law 4689/2020, the Direction of studies for Justices of the Peace (Magistrates) was established in the E.S.Di, and in this category of judicial candidates the 45th year of age was set as the maximum age for participation in the admission competition[17].

Nevertheless, the general introduction of a maximum age for admission to the E.S.Di remains a matter of concern, as in most European countries the start of a judicial career is not subject to an age requirement.

On the basis of a complaint received in 2020 regarding this issue, the Ombudsman raised its concerns with the Minister of Justice. In particular, in its intervention the Ombudsman built upon the view expressed by the minority opinion of Council of State, in the context of the decision No. 851/2011. This decision dealt with the issue of setting, in the pre-existing legal framework, the maximum age of 35 years as the upper age limit for the participation of candidates in competitions for filling vacancies of D' class probationary magistrates. In the view of Council of State minority's opinion, the measure of the introduction of this age limit is clearly disproportionate to the objectives pursued, for specific reasons, which are detailed in the decision. Accordingly, the establishment of an age limit above 35 years could not, in the normal course of things, undermine the career system of the justices of the peace nor reduce the protection of the personal and functional independence of judges.

The Ombudsman pointed out to the Ministry of Justice that the reasons invoked by the minority composition of the Council of State in the aforementioned decision, in conjunction with relevant case law of the Court of Justice of the European Union (CJEU), provide the impetus and the direction for re-evaluating the

16. The modification was made with the provision of art. 8 para. 3 of Law 3910/11, in the explanatory memorandum of which the need to increase the age limit to 45 years was recognized *"... so that people with increased experience, very useful for the effective performance of their duties are not excluded from the competition"*.

17. Until the enactment of this law, the 35th year of age (art. 77A, paragraph 2, Law 1756/1988) was set as the upper limit for participation in competitions for filling vacancies for probationary magistrates.

setting of upper age limit of 45 years (which is provided for the participation of candidates in the admission competitions of the E.S.Di), given that almost a decade has already passed since the issuance and the data of the aforementioned decision of the Council of State. **Besides the fact that raising the upper age limit is unlikely to significantly affect the average age of admitted candidates, the Ombudsman informed the Ministry that in 2014 had asked its EU counterparts whether there was an upper age limit for access to their judiciary.** Even though the Greek system of entry into the judiciary is not the same as the rest of the European legal orders, the Ombudsman was informed that there is no maximum age limit set in most of the European countries surveyed. However, in several European countries there was a minimum age set for joining the judiciary, usually linked to the time requirement of previous professional experience and social maturity.

Similar conclusions emerge from a recent study by the EU Single Patent Court on the required qualifications for the profession of judicial officers. In this study among the questions asked was a specific inquiry about the existence of an upper age limit[18]. Out of the total of 25 countries that participated in the survey, only Greece sets a maximum age of 45 years for admission to the School of Judges, while at the same time France sets age limits for access to various degrees in the ranking of judges.

In view of the above, the Ombudsman asked the Ministry to consider the possibility of either further rising the maximum age of 45 years for admission to the E.S.Di or to completely abolish it (case 272201).

18. https://www.unified-patent-court.org/sites/default/files/upc-national-eligibility-criteria_final.pdf

Discrimination on grounds of family and social status

In the field of discrimination based on family status, the Ombudsman received complaints on:

- **The unequal administrative recognition of the legal bond created by the choice to enter into a cohabitation agreement versus the choice of marriage brought differentiation in the administrative treatment of employees who chose to dissolve their marriage by a notarial deed, rather than ending their marital cohabitation by a court decision (as was the only option up to a few years ago).**
- **Problems faced by employees who, by court order, have been appointed legal guardians and have assumed the care of people with disabilities.** In these cases, it is found that although these persons have increased responsibilities, which are similar to the obligations of the parents or spouses of persons with disabilities, they often do not receive adequate employment facilitations or positive measures.

Residence permit for a recognized refugee partner

According to the preamble of Law 4443/2016 *"[...] with the present law the addition of the term "family status" aims at the absolute protection, in the field of employment and occupation, of the strong life ties that develop in the context of family life irrespective of the type of union of a couple. This way the equalization between the types of marriage provided in the Civil Code and the cohabitation agreement of Law 4356/2015 is complete"*. However, even though five years have already passed since the cohabitation agreement was instituted, **administrative difficulties remain in the full equation of rights deriving from the cohabitation agreement with those arising from marriage.**

A characteristic example is the case of refusal to grant a residence permit to a partner of a recognized refugee, which was examined by the Ombudsman as discrimination on grounds of family status. In particular, the competent Regional Asylum Office rejected the relevant application, with the justification that no marriage certificate was submitted but only a cohabitation agreement.

Addressing the competent service, the Ombudsman pointed out that the rejection of the application was not legal, both, according to the legal framework which was in force at the time of the submission of the refugee partner's request for a residence permit as a member of his family (PD 141 / 2013), and also according to the new provisions (Law 4636/2019), which provides that as members of the family of the beneficiary of international protection are to be considered the spouse, or his / her extramarital partner, with whom she/he *"maintains a duly proven stable relationship".*

Nonetheless, both in the previous PD and in Law 4636/2019, in the provided supporting documents, an explicit reference is made only to *"the submission, for the spouses, of the relevant marriage registration deed"*. This improper wording of the Law seems to have caused the competent service to refuse to grant the request. Nonetheless, all the relevant provisions leave no room for misinterpretation, as the term "family members" includes not only spouses, but also partners both in the context of registered cohabitation and in a free union.

The Ombudsman requested the removal of the discrimination against the partners in the context of registered cohabitation, in accordance with the current legislation. A hierarchical appeal is pending against the rejection decision (case 267897).

Non-exemption of an employee of the Fire Brigade from transfer or secondment

The prohibition of discrimination against persons on the grounds of family status is primarily aimed at protecting working family members from ill-treatment in the field of employment and occupation, regardless of the type of union of a couple (cohabitation agreement or marriage).

Nonetheless, even the way a couple dissolves their marriage or cohabitation or the way they regulate custody issues of the child / children, can be a reason for less favourable treatment of a person due to his / her family status.

An employee of the Hellenic Fire Service (Fire Brigade) requested an exemption from the process of transfers- secondments, on the basis of a relevant provision which justifies this exception, due to the fact that he is a divorced parent with custody of his child. As provided, attached to his application he submitted a notarial deed that attests to dissolution of the marriage and the assignment of custody of the child. His application was rejected with the justification that the provision that prescribes the above exemption applies only to divorced employees who have custody of a child by a court decision.

The Ombudsman addressed the Hellenic Fire Service, pointing out that in the case of divorced employees who are excluded from transfers and secondments, the main aim of the legislator is to maintain family cohesion and to ensure the care of children by the custodial parent. The crucial element in this case is the legal dissolution of the marriage and the assignment of custody to the parent, in order to exclude the employee from the process of official transfer, and not the way in which the marriage was dissolved and custody assigned.

The Authority stressed that the provisions of article 22 of Law 4509/2017 (which replaced the provisions of the Civil Code) regulate issues of divorce and custody of children. Among other things, it is provided that the marriage can be dissolved alternatively by agreement between the spouses, through a notarial deed, in which issues concerning the custody, communication and child support can be regulated. Thus, the notarial deed of dissolution of the marriage and settlement of custody issues of minor children is fully assimilated with the respective procedures of an issuance of irrevocable court decision and produces legal consequences, provided, of course, that certain formalities and procedures, which are analytically prescribed in the legislation, have been followed.

The Ombudsman concluded that the disputed provision regarding the exclusion of Fire Brigade employees from official transfers should not be interpreted narrowly. That is, it should not apply only to those who have a dissolved marriage and have been assigned custody through a court decision, but also to those who are legally divorced and have the custody of a child through a notarial deed.

Nevertheless, the Fire Brigade did not accept the Ombudsman's proposal, arguing that any interpretive extension of the clear grammatical wording of the above provision, through incorporation of other categories of Fire Brigade staff in its scope, would constitute a departure from the intention of the legislator (case 287485).

The official transfer of legal guardians assistants

In a provision of the Unified Mobility System in the Public Sector (article 7 para. L. 4440/2016, as in force) the possibility is provided of secondment or transfer of an employee, for proven reasons of serious health of either himself, or his spouse, or a cohabitant, or a person with a 1st degree of affinity with him, following the opinion of the Central Mobility Committee (CMC).

In the light of this provision, a request was submitted, by a civil servant who, according to a court decision, is a legal guardian and has the custody of his disabled brother, for transfer to a service near his residence. However, it was rejected by the CMC on the grounds that it does not concern a 1st degree relative and does not fall within the scope of this provision.

The Ombudsman expressed the view to CMC that the specific provision regarding the possibility of secondment or transfer of an employee for health reasons, either of himself or a person directly related to him, is a positive measure in favour of either, directly of an employee with a disability or chronic illness, or in favour of a person who cares for a person with proven disability or chronic illness. **The Authority relied on the reasoning of the court decision submitted by the employee regarding the position of the brother in a state of complete deprivation of support, which resulted in the assignment of his custody to him. Also, taking into account the recent amendment of provisions of the Civil Code** (Law 3528/2007 amended by provisions of Law 4674/2020) mainly as regards to the special permits and conveniences of civil servants and permanent IDAX and IDOX employees, **the Authority underlined that the legal guardians of persons with disability are equated with persons who undertake the responsibilities of parents' or spouses' of persons with disabilities, in respect to the aforementioned conveniences (e.g. leave, part-time work, etc.).**

Considering that in this case the employee concerned resides with his ward, has fully undertaken his daily care and treatment and the coverage of his basic needs, as the disabled person does not work and cannot alone meet his basic needs, while, at the same time, needs constant supervision, care and support, as evidenced by the court decision, the Ombudsman in its intervention emphasized that

the employee's request for transfer near his residence was causally linked to the responsibility of the care he had undertaken for his brother and requested reconsideration of the complainant's application. The case is pending (case 287495).

Discrimination on grounds of sexual orientation

Discrimination in the workplace against persons on the basis of their sexual orientation is usually manifested as harassment by supervisors or colleagues. It is unwanted behaviour that aims at or results in the creation of a hostile, intimidating, or humiliating environment and results in an insult to the dignity of the individual.

The Ombudsman received complaints in 2020 alleging harassment in the workplace due to the sexual orientation of persons, which are mainly manifested as behaviours in the context of exercising managerial right or control by a hierarchical supervisor. The complaints concern repeated insults to the victim's dignity and humiliating treatment, through ironic or defamatory comments or through intimidation and disciplinary threats or retaliation on instances of non-response to sexual harassment.

In the field of same-sex relationships, following the recognition of the possibility to conduct a cohabitation agreement, there still remain administrative obstacles and delays which affected the persons concerned, particularly when they to prove the existence of a formal cohabitation agreement and family relationship between partners.

Sexual harassment at work in the private sector

Working as a private employee in a store, an employee submitted a complaint to the competent Labor Inspectorate for sexual harassment, which was forwarded to the Ombudsman, as provided by Law 4443/2016. During the labour dispute and the discussion of the case, where the employee, the employer and the Ombudsman representative were present, **the employee stated that she was a homosexual woman and claimed that the reason for her dismissal was her sexual orientation and her non-response to sexual harassment of her supervisor.**

In particular, she stated that in the last months she was sexually harassed by the store manager, who is also her supervisor. Due to her non-response to her manager's sexual advances, the manager recommended her dismissal.

The employer stated that he was not aware of the supervisor's behaviour and

that the employee had not informed him about sexual harassment against her. He also claimed that the dismissal of the employee was done following the recommendation of the supervisor, but for financial reasons. **In the context of his responsibility, the Ombudsman asked the employer to take the necessary actions in order to examine the employee's allegation, as well as to consider the possibility of re-hiring the employee**. The discussion of the case was postponed, and a new date was set for the discussion.

Due to the emergency measures for the pandemic, the Labor Inspectorate informed the Ombudsman that the parties declared their inability to appear in person during the discussion of the case and that they will send written statements. The Ombudsman is awaiting the forwarding of the case file from SEPE, to further investigate the issue and record its findings (case 273367).

Harassment at work in the public sector on grounds of sexual orientation

A civil servant in the central office of the ministry addressed the Ombudsman, because he was being harassed by his colleagues due to his sexual orientation (gay man). In fact, at the time of submitting his complaint to the Ombudsman, the employee was already on unpaid leave, due to the particularly hostile climate that prevailed in his workplace. He requested the assistance of the Ombudsman in order to be transferred to another service of the ministry after his return from this leave, so as not to suffer the harassing behaviour of his colleagues.

The Ombudsman contacted the competent service of the ministry, informed them about the harassing behaviour the complainant was receiving from his colleagues and asked them to consider the possibility of transferring him to another service. The supervisor of the employee proposed that he apply for a transfer before the expiration of his leave, so that there would be sufficient time to examine his request and his placement at another service upon his return (Case 259190).

Right of residency of a foreign third country, spouse of an EU citizen

The Ombudsman received a complaint from a same-sex couple, married in an EU country, because the competent department of the Directorate for Foreigners and Immigration of the Decentralized Administration refused to receive an application from a spouse, who was a third country national, to grant him a residence permit as a family member of an EU citizen. It should be noted that, during their previous contact with the competent services of the Ministry of Immigration and Asylum, the couple was informed that the spouse, who was a third country national, had the right to apply as a family member of an EU citizen. **However, when he went to the Directorate of Foreigners and Immigration of the Decentralized Administration to apply for a residence permit as a family member of an EU citizen, the service informed him that it was not possible to grant him a residence permit if he does not enter into a cohabitation agreement in Greece with his spouse, claiming that in Greece, marriage between same-sex couples is not valid.**

The Ombudsman addressed in writing the service and the Ministry of Immigration and Asylum, citing the provisions of Directive 2004/38 / EC and Presidential Decree 106/2007, from which it follows that the right to enter and reside in another EU Member State is recognized in principle to both spouses.

The Ombudsman also pointed out that as a family member is also considered the partner, regardless of nationality, with whom the EU citizen has a stable relationship, provided that the cohabitation relationship can be proven by any available means. The Authority underlined that the above provisions were applied even before the recognition of the cohabitation agreement in Greece for same-sex spouses or partners of EU citizens.

Once the legal framework has been modernized with the recognition of the cohabitation agreement between same-sex partners, the Ombudsman questioned the fact that the right of the same-sex spouse of an EU citizen is not recognized, but on the contrary, in order to be granted his right of residence, it is proposed by the competent service to draw up a cohabitation agreement in Greece with his spouse - with whom he has already been married in another EU Member State.

The Ombudsman was informed that the husband had finally been granted a residence permit (case 285894).

Discrimination on grounds of identity or gender characteristics

Legal recognition of gender identity was a step towards recognizing the rights of transgender people. But even after this enactment, there are deficits in the enjoyment of rights. In 2020, the Ombudsman considered a case concerning the equal access of a transgender woman with a disability to medical care.

Difficulties in satisfying a request for hospitalization abroad

A transgender woman submitted a complaint to the Ombudsman protesting against the delay in examining her application for hospitalization abroad, sought for the aim of receiving surgery restoration of her genitals. The complaint was examined in the light of the Ombudsman's competencies, based on article 103 par. 5 of the Constitution, Laws 3094/2003 and 4443/2016, as well as Law 4488/2017 (article 72), for promoting the implementation of the United Nations Convention on the Rights of Persons with Disabilities.

According to the complaint, the concerned party is a person with a certified total disability rate of 68%, due to various illnesses. After she was treated in a public hospital, it was judged that she needed genital restoration surgery, due to a congenital disease. According to her allegations, she reportedly went to Belgrade to plan the operation, since, according to the medical opinion she received from the hospital, it could not be carried out in Greece. Subsequently, she submitted an application to EOPYY for the approval of her treatment abroad. However, although ten months had passed since the submission of the application, there was no progress. As a result the scheduled date for the operation set at the hospital abroad had already passed twice.

The Ombudsman addressed the Supreme Health Council and the Directorate of International Insurance Relations of EOPYY, noting the following:

The UN Convention on the Rights of Persons with Disabilities, ratified by Law 4074/2012, defines the rights of persons with disabilities and the obligations of states to protect and promote these rights. According to Article 1 of the Convention, among the persons with disabilities are included: *"...those persons who have long-term physical, mental, spiritual or sensory barriers, which, in interaction with various barriers, may impede their full and effective participation in society on an equal footing with others ".*

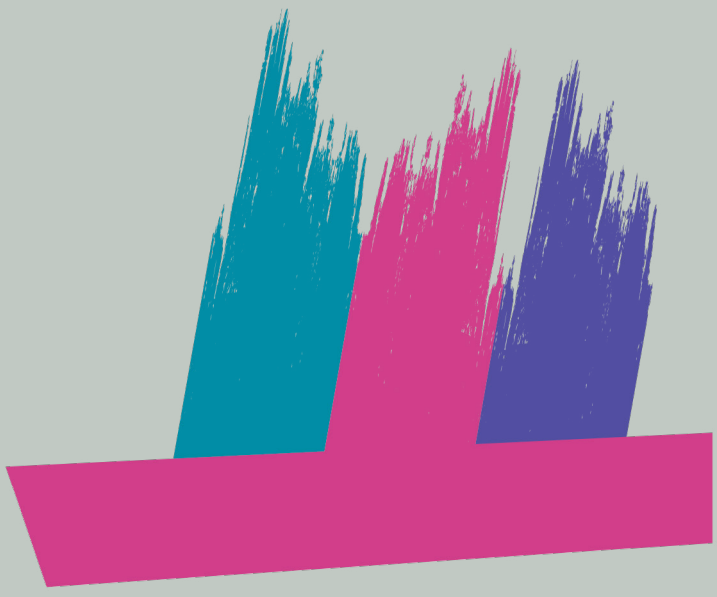
Article 25 of the Convention provides: *"States Parties recognize the right to enjoy the highest attainable standard of health for persons with disabilities, without discrimination based on disability. The Contracting States shall take all appropriate measures to ensure that persons with disabilities have access to gender-appropriate health services, including health-related rehabilitation. Specifically, the Contracting States: a. provide people with disabilities with the same range, quality and level of free or affordable health care and programs as other people, including in the field of sexual and reproductive health and population-based public health programs, [...] ".*

The above provisions in combination with the constitutional obligation of the state to take care of the health of all citizens without exception and to provide special protection to people with disabilities (Article 21, paragraphs 2 and 3) compose a network of increased protection for this vulnerable group of the population to which the mentioned person belongs. Furthermore, it was stressed that the relevant application is subject to the provisions of the Code of Administrative Procedure, according to which citizens' requests must be processed within 50 days, while in case of delay it must be notified and justified.

Finally, the Ombudsman emphasized that, precisely because of the specificity of this issue, as well as due to the chronic problems faced by the applicant, she should be regularly informed about the progress of her request, or about the likelihood of any difficulties in processing it, together with the demonstration of the required diligence and persistence in case of any entanglement. On the contrary, the unjustified and excessive delay had already created in the person concerned the belief that there was discrimination against her on grounds of gender identity.

In view of the above and given that the processing of the application requires the cooperation of a foreign body, immediate actions were requested for the completion of the planned procedures as soon as possible.

The involved service rejected the request for hospitalization abroad, on the grounds that the relevant operation can be performed in Greece. The complainant, under the guidance of the Ombudsman, is in search of a hospital that could treat her (case 279212).



EQUAL TREATMENT DURING THE PANDEMIC PERIOD

Equal treatment during the pandemic period

The Ombudsman, in the framework of his special competence as the national body for the promotion and monitoring of the implementation of the principle of equal treatment, examined a significant number of cases related to issues arising from the emergency measures undertaken to confront the corona-virus pandemic (COVID-19).

At the beginning of the first wave of the pandemic, the Ombudsman received a large number of e-mails from citizens seeking information and advice pertaining to the exercise of their rights. These questions mainly concerned the granting of special leave, workers' protection measures and job transfer issues. Due to the exceptional circumstances and the urgency of the matters, an attempt was made to respond to these messages immediately, electronically, without applying the formal procedure for the submission and examination of complaints. The thank you responses received from citizens following these immediate actions of the Authority are evaluated as extremely positive.

In addition to mediating for the resolution of individual and isolated cases, the Authority, analyzing and collecting the problems which these individual cases revealed, also made a series of general interventions to support groups of people who were disproportionately affected by the emergency measures.

The first part of this chapter presents these central interventions from the perspective of equal treatment. Then, in a table, indicative examples of interventions undertaken in individual cases are introduced, in the context of proposing measures to facilitate workers to prevent and limit the spread of corona-virus COVID-19 alongside other restrictive measures which were imposed.

Central intervention at the start of the first wave

On March 27, 2020, the Ombudsman sent to the competent ministers a document on *"Measures to prevent the spread of coronavirus COVID-19 and vulnerable*

groups of the population." It emphasized the urgent need to ensure the health and safety of particular groups of the population, such as the workers who are entitled special protection against discrimination, the elderly, the chronically ill, those who are detained or their freedom is restricted, those who live under inadequate health and safety conditions (living in refugee and Roma camps) and those who are under the threat of domestic violence[19]. Specifically:

- **For all employees in the private sector**, the obligation to maintain conditions which will not allow abusive dismissals or abusive pay cuts, especially for those employees who are under special protection (pregnant workers or workers on maternity protection, disabled persons and the elderly), was underlined. Toward this end, the Ombudsman proposed the establishment of severe sanctions in case of violations of the in-force legislation and strengthening of the existing mechanisms of control and enforcement.
- **For private and public sector employees belonging to vulnerable groups and their caregivers**, who are not beneficiaries of the special purpose leave, because they do not meet the requirements, the Ombudsman proposed that specific conveniences be formally adopted, considering the possibility of them working remotely.
- **For pregnant women and workers under maternity protection**, the need for special measures to prevent and protect them, in the private and public sectors, was emphasized.
- **For the elderly, the chronically ill, the disabled and the homeless**, especially during the periods of reduced movement and particularly for those who do not have a supportive family environment, the immediate activation of support mechanisms (food supply, medical support, timely transfer in case of emergency, etc.) was recommended, especially at the municipal level.
- **For Roma living in camps**, the need for undertaking immediate initiatives by the relevant municipalities, in cooperation with the central administration, was suggested in order to: a) ensure the necessary hygiene conditions b) inform the residents of the camps about the prevention measures c) list those in the camps who do not have access to benefits, in order to provide the necessities for their living, and d) record the vulnerable people within the community (elderly, people with disabilities or chronic diseases). At the same time, the Ombudsman addressed the municipal authorities where camps are

19. https://www.synigoros.gr/resources/20200320-epistoli-stp.pdf

located, requesting information on the measures introduced to protect the population from the risk of spreading the corona-virus COVID-19.

- **For all existing hot spots of asylum seekers/immigrants**, it was proposed to have regular disinfection, adequacy of items (soap and water, personal disinfectants), and dissemination of accurate information on personal precautionary measures in all relevant languages. Also, the real possibility of keeping distances both, between their shelters and between the occupants, with appropriate isolation of infected persons in case of symptoms of the virus, was pointed out. The need to strengthen the health regions – inland and in the islands, where there are hot spots – with both medical / nursing staff and with ICU beds was also stressed. Finally, it was proposed that during the transfer of individuals from the islands to the mainland by ships, measures be taken to ensure maintenance of the necessary distances and the shielding of personal protective equipment for both, the transported individuals and the accompanying police officers.
- **For victims of domestic violence**, it was recommended that support services be strengthened with the option to use coded communication and also disseminate necessary information and reminders about the services available to victims. This could be done through the utilization of regular public/media displays of relevant social messages (see below).
- **For persons in a state of deprivation or restriction of their liberty**, it was proposed to decongest all places of deprivation or restriction of liberty to the maximum extent possible, by considering the possibility of implementing alternative detention measures.

Interventions for conveniences to workers belonging to vulnerable groups and guardians within the framework of special leaves

The Ombudsman examined a considerable number of complaints related to the granting of special leave as a measure to confront urgent needs generated by the onset of the first wave of the pandemic. For example:

Working Parents

The Ombudsman mediated for the granting of special purpose leave to working parents of the public and private sector, in cases where there was a faulty interpretation of the applicable provisions or legislative gaps.

An instance of such intervention is the mediation undertaken during the first phase of the pandemic, to secure the granting the special purpose leave to private sector workers who were parents of children up to the age of four. These were children who were not enrolled in a daycare center and/or there was no possibility to meet their care obligations by their working parents.

Staff of Health Units

The object of investigation in several cases of this category was the rejection of the application for granting special leave to staff of public health units who belonged to high-risk groups. **The Ombudsman requested from the involved services the individualized examination** of all applications submitted and the provision of special justification for each one the rejections made, in order to protect, in a transparent and legally verifiable manner both, the individual rights of the staff working in the health care units, alongside with the social good of public health. As a result of this intervention, a relevant regulatory act was at last introduced to resolve the problem for this category of workers.

Teachers

In view of the planned reopening of schools in May 2020, the Ombudsman received complaints from teachers requesting special leave, or the opportunity to work remotely, because they lived and cared for individuals (children or parents) belonging to vulnerable groups. **The Ombudsman proposed to the Ministry of Education the proportional application of an existing regulation for such cases**, included in a circular of the Ministry of Interior. In accordance with this regulation, the competent administrative body could assess whether it is objectively possible to incorporate categories of employees to the work remotely, without undue burden on their colleagues who will be called to be present at the service.

A new circular from the Ministry of Interior clarified that care should be taken for categories of employees who are not granted a special leave, but who either themselves, or people living with them, are considered as belonging to vulnerable groups. This care could mean possibility to work in support services (back office), or in workstations that will make their work in person in the service as safe as possible. Building on this, the Ombudsman asked the Ministry of Education to take the appropriate measures for teachers who fall into the above category, so that their work: a) has the characteristics or is as much alike to the actual teaching in schools b) to be the least intrusive to the activity carried out and (c) provide equivalent protection to that accorded by the Ministry of the Interior to other public sector employees (Case 277125).

Workers belonging to vulnerable groups

On the basis of complaints from public employees received during the first phase of the pandemic, the Ombudsman determined that although in the category "high-risk groups" are included immune-suppressed persons and individuals over the age of 70, or of any age with underlying serious chronic diseases (cardiovascular disease, diabetes mellitus, respiratory), in actuality only cancer patients were designated as beneficiaries of the special leave. This practice was based on a relevant interpretative circular of the Ministry of Interior, issued in the in the context of adopting measures to facilitate members of vulnerable groups. However, **this gap in the protection of all people belonging to "high-risk" groups was promptly identified and dealt with in the Authority's relevant intervention**. Subsequently, through a Joint Ministerial Decision (JMC), the above special leave facilitation was extended to the other members of "high-risk" groups (i.e. heart patients, lung patients, people with unregulated diabetes, cancer patients, etc.).

Conveniences for working caregivers of people with disabilities or serious illnesses

Despite the above developments and the extension of the possibility of granting special leave to employees suffering from the one of the aforementioned serious chronic illnesses, the Ombudsman found that no facilitation measures were introduced for categories of employees who, although due to their medical history belonged to other "high risk" groups, their illness was not explicitly, or was only vaguely, incorporated in the aforementioned JMC.

The Ombudsman also pointed out the urgent need to take care of the health and safety of workers who were obliged to provide care to close family members at home, i.e., to persons who were unable to support themselves and/or belonged to "high-risk" groups.

Especially for the last category (i.e., caregivers of vulnerable people) the Ombudsman considered that measures and conveniences should be also provided to employees: a) who are living with patients with illnesses that pose an increased risk and b) who are parents or have the exclusive care of disabled persons who are unable to take care of themselves. The Ombudsman also forwarded the above intervention to the competent Directorate of the Ministry of Labor, to take steps for the adoption of a similar regulation in the private sector.

Special purpose leaves on grounds of disability of the non-working parent

The special purpose leave is a measure to facilitate the families of the employees, so that at least one parent stays at home and cares for the children. **In cases where the unemployed spouse has a disability, the special purpose leave, offered to parents of minor children attending up to the last year of High School, is granted to the employee, provided that the spouse with disability receives an OPEKA disability allowance.** This precondition set by OPEKA, i.e., of being a recipient of disability allowance to become a beneficiary, deprived other unemployed parents, whose spouse is a disabled person, of the chance to benefit from this positive measure, for the purpose it was intended.

The Ombudsman intervened with the competent Directorates of the Ministries of Interior and Labor pointing out that although, indeed, official recognition of disability (OPEKA allowance) is a precondition for granting the special leave, its absence does not automatically mean that the disability assistance to the non-working parent, spouse of a disable, should be barred.

The Ombudsman also stressed that a similar restriction had been set for the granting of special purpose leave to private sector employees. For this reason, the Ombudsman addressed the competent Directorates of both the Ministry of Interior and the Ministry of Labor in writing asking for the resolution of the matter in an analogous manner. With a subsequent Act of Legislative Content, the precondition of the disability allowance from OPEKA was eliminated for the employees in the private sector. After that, with a circular of the Ministry of Interior, similarly resolved the issue for the employees in the public sector.

Access to maternity services

The difficulty of accessing public services, such as services of EFKA or OGA, for the purpose submitting applications, for matters such obtaining pregnancy and maternity allowance, in conjunction with the delays in processing them, due to the limited operation of the services during the pandemic, were also the subject matter of a considerable number of complaints handled by the Ombudsman.

The difficulty in accessing services was manifested by the fact that, in some cases, it was not even possible to submit an application electronically. The result of this malfunction of the system was excessive delays in both, submitting applications and processing them. This problem was especially accentuated when the benefits requested (e.g. granting maternity benefits by EFKA) were linked to the reception of other related benefits, such as receiving "supplementary" maternity benefits from OAED.

According to the submitted complaints, heightened problems were encountered by:

1. The employees insured under the "fund for hotel employees". These employees encountered obstacles in submitting applications for maternity or other related benefits. The main problem with this EFKA service was that there was not an electronic registration system to be used and thus, the applications had to be submitted in person.
2. The employees insured in OGA before 01.01.2017. Due to a faulty entry of their data in OGA's system, they did not appear to be registered in the EFKA system. Overall, this malfunction of the system is a consequence of the not smooth merger of all the different insurance funds under EFKA.

An additional problem of this dysfunction was the inability of persons who were entitled supplementary benefits to apply for them. The reason for this mishap was the requirement set for obtaining the supplementary benefits, as the application for granting supplementary benefits is linked to the previous reception of the basic maternity allowance from EFKA (e.g. the special maternity benefit from OAED is granted only when there is a certificate that the pregnancy-maternity allowance has been received from EFKA). In these cases, there was an informal overrun of deadlines by OAED due to the acknowledgment of the systemic problem.

Related to the above malfunction of the system is also inability to access Primary Health Committees (AYE), which are responsible for approving the granting of sick leave due to problems during pregnancy. Excessive delays in the examination of applications submitted to these committes are also a related problem.

In general, the pathology of the handling system of such cases was severely aggravated by the sudden requirement to submit applications electronically, or by appointment only, to services that did not have an electronic registration operating system, or the required staff to handle the volume of applications.

Movement of individuals with a disability

The conditions of accessing public transportation by people with mobility disabilities was the subject matter of several complaints submitted to the Authority. Citizens with mobility disability or mobility difficulties appealed to the Ombudsman, asking for his mediation to be allowed to enter buses and trolleys through the front door. Due to the emergency conditions of the COVID-19 pandemic, OASA / OSY had announced that the public boarding of public transportation vehicles will be done only from the rear doors of the vehicles, for reasons of protection of the passengers and drivers. The Ombudsman explained the reasons why this procedure could not always be followed by people with reduced mobility (especially in cases where disability is not visible) and recommended that the boarding for them, exceptionally, be permitted from the front entrance of the vehicles. At the same time the Ombudsman suggested the installation of protective panels (plexiglass) for the protection of drivers. So far there has not been a positive response to this proposal (cases 279636, 282933).

COVID-19 and domestic violence

Among the consequences of the COVID-19 pandemic which raised the concern of the Authority is the apparent escalation of the phenomenon of domestic violence and/or gender-based violence. During the period of implementation of the restraining measures, domestic violence victims are exposed to an increased risk due to the ban on movement and thus the longer stay at home.

With regard to domestic violence, it appears that in addition to spouses or partners, people belonging to other vulnerable groups, such as the elderly, the disabled and members of other persons in need of protection (e.g. migrants, refugees, asylum seekers, LGBTQ+) are also affected.

The Ombudsman, in his March 27, 2021 general intervention addressed to the competent ministers referred to the need to take measures against domestic violence. Specifically, the Ombudsman pointed out that:

"Crisis conditions in conjunction with the measure of necessary isolation in the home have been found to significantly increase the incidents of domestic violence, as family members, including the violent or abusive member, are called upon to coexist at home for a long time. The General Secretariat for Family Affairs and Gender Equality operates the SOS 15900 telephone line, 24 hours a day, 7 days a week. However, the Ombudsman noted, it would be extremely useful to provide the possibility of a coded communication for victims with support services, as it is doubtful whether the abused victim will be able, under the present circumstances, to make use of the telephone support service ".

The initial intervention of the Ombudsman was followed by a new document that was sent to the General Secretariat for Demography, Family Policy and Gender Equality of the Ministry of Labor and Social Affairs and the to Department for Domestic Violence of the Hellenic Police (ELAS). **In it the Ombudsman underlined the significance of the domestic violence issues, and requested data pertaining to the registered incidents, the manner in which such calls for help were handled and any additional measures and strategies that might have been**

adopted for the protection and support of victims (e.g. legal aid, temporary accommodation, psychological support).

On April 14, 2020 ELAS launched a campaign against domestic and gender-based violence entitled: "We Stay Home, We Do Not Stay Silent". The goal was to provide instructions to citizens on how to report and to handle such incidents which either they themselves have experienced or they were aware of. Sending SMS to the emergency number 100 is among the means available to the victims for reaching out in such cases. Both ELAS and the General Secretariat for Demography, Family Policy and Gender Equality responded providing the requested data. The figures show an increase in the number of reported incidents and the protection measures taken.

COVID-19 and its effects on the Roma population

A particular object of inquiry for the Ombudsman was the issue of the measures that were undertaken for the protection of the Roma population living in camps. As a follow-up to the above-mentioned central intervention of the 27th of March, in which there was a specific focus on and proposals were made for the protection of the Roma population because of the challenging conditions they live under, **the Authority addressed targeted municipalities where there are Roma camps, asking for information on the measures that were undertaken to protect the Roma population in their districts from the risk of spreading the corona-virus COVID-19, as provided for by specific legislative provisions.** The results of the data collected will be the subject matter of a new intervention by the Authority, in which the effectiveness of the implementation of the e-learning measure for Roma pupils living in camps will also be scrutinized.

Restriction of traffic and movement for serious reasons

A significant number of complaints were submitted pertaining to problems encountered by citizens due to both travel restrictions and inadequate information regarding the documents needed to possess when people move outside their home district for exceptional reasons (e.g. provision of care for the elderly, for

people with disabilities or chronic diseases, movement for medical reasons, movement to the place of residence of the family, special farming purpose).

The Ombudsman pointed out to the General Secretariat for Civil Protection that there must be clarity in both the imposition of restrictive measures and the corresponding sanctions for their violation, as well as adequate dissemination of information to those directly affected. Concurrently, every instance for which exceptional movement is required should be considered under the light of the principle of proportionality.

Indicative interventions of the Ombudsman in individual cases, in the context of measures related to COVID-19		
COVID-19	WORK	An IDOX employed mother received a special purpose leave due to COVID-19. Nonetheless, she received a no-judicial notice of default by her employer, with which she was informed that her employment contract was terminated, on the grounds that she exceeded the use of the normal leave days to which she was entitled. Following a coordinated intervention of SEPE and the Ombudsman, the employer retracted the termination of the contract and the complainant started working from home (case 277482).
	WORK	An ELGA employee, a mother of a child who was not registered in a daycare center and who was the sole caregiver of her mother who had an 80% disability, appealed to the Ombudsman because her request for a special purpose leave was unofficially (orally) rejected. The Ombudsman determined that the applicant met the criteria for obtaining the leave and advised her to submit a written application. The employee's request was promptly granted (Case 276007).
	WORK	An employee of a detention center, father of a minor child with a spouse working in the private sector, applied for a special purpose leave, but his application was rejected on grounds of increased service exigencies. The Ombudsman, addressing the Director of the detention facility, underlined the necessity of balancing service needs, but argued that every chance of providing facilitation to employees should be exhausted, under the prism of the harmonization of work and family life principle. The family obligations of employees in the current emergency circumstances should be taken into consideration. The employee's request was re-examined and finally granted (case 276648).
	WORK	A civil servant suffering from type II diabetes was informed that her application for a special leave during the period of emergency measures to prevent the spread of COVID-19 was to be rejected, because the medical diagnosis she had submitted did not indicate that she suffered from unregulated diabetes, as required by the relevant ministerial decision. Following the Ombudsman's intervention, in May 2020 a new JMC was published, which redefined the groups at increased risk for severe COVID-19 infection and clarified the concept of unregulated diabetes (case 276626).

COVID-19	WORK	An employee of a public SA applied, in March 2020, to obtain a special leave based on a medical certificate that she suffered from unregulated diabetes. Her application was examined in June and rejected, because it was deemed that she did not meet the criteria set by the second JMC issued in May. This was followed by decisions from the company to offset the period of her absence with a regular leave and a salary cut for the remaining period. The Ombudsman proposed to the employer to examine whether (based on the data submitted in good faith by the employee when she started her special purpose leave) it was justified for her to be included in the group of people with unregulated diabetes as it was defined in the first JMC, without considering what was stated in the second JMC (Case 283555).
	WORK	An employee of a local government service, who was under immunosuppression due to an autoimmune illness, submitted a request for a special leave, which was rejected. In his intervention with the Ministry of Interior, the Ombudsman pointed out that people with immunosuppression are at increased risk for serious COVID-19 infection and suggested the possibility of a special provision for this category (e.g. distance work or extension of leave, etc.). Finally, the JMC in May 2020 provided for the possibility of absence on special leave for public service employees with severe immunosuppression (case 276015).
	WORK	A working mother of three minor children, whose husband has an 80% certified disability and is not working, applied for a special purpose leave, granted to parents of minors attending up to the last year High School. The request was rejected on the grounds that her husband was not a beneficiary of the OPEKA disability allowance. The Ombudsman pointed out that the lack of the status of being a beneficiary of the specific allowance does not mean that the person in question does not meet the conditions for receiving the special leave-benefit offered to the disabled parent who does not work. Eventually, the prerequisite of proof of prior subsidy from OPEKA for receiving this special leave was eliminated for public and private sector employees (case 276368).
	WORK	A female employee, working for six years in a company as a full-time clerk, was fired as soon as she returned to work, having used a special purpose leave for her disabled child. During the meeting that took place at the offices of SEPE, the employer's side stated that the reason for her dismissal was the elimination of the specific job position. The Ombudsman

COVID-19	WORK	asked the company questions about the decision to terminate the employment contract and about the likelihood of considering alternatives to firing the employee, taking into account both, the family status of the employee and the institutional framework which provides for non-discrimination of an employee on grounds of her relationship with a person with a disability. The company's response is expected (case 283626).
	WORK	Health workers employed as medical, nursing or administrative staff complained to the Ombudsman that, although they belong to vulnerable groups, their applications for special leave have either had not been considered or rejected. The Ombudsman instructed the interested parties to submit a written request to their respective service or hospital and simultaneously for a written special justification in case of rejection. Concurrently, intervening with the Ministry of Health, the Ombudsman asked for a personalized judgment and specific justification for each application submitted, while when considering such request to consider both the risk faced by the staff, as well as the proper functioning of the hospitals and ensuring public health (case 276562).
	GOODS & SERVICES	In September 2020, an athlete complained to the Ombudsman against the ban on the use of municipal gym facilities by people over 65 years of age. The Ombudsman found that there was no restriction on the exercise of people over the age of 65, only recommendations to avoid indoor sports if the users belonged to a high-risk group. The Ombudsman expressed the view that, if the requirements and restrictions set for the operation of indoor gyms are met, people over the age of 65 could participate in indoor sports, especially if there is no other condition that puts them in the high risk groups. Eventually the complainant was allowed to use the indoor gym, but in the end all the gyms were again placed on mandatory suspension of their operation (case 285420).
	TRANSPORT	People with mobility disabilities complained to the Ombudsman against the clear deterioration of their ability to move, due to the ban imposed on passengers boarding buses and trolleys from the front door. The Ombudsman addressed OASA requesting that passengers with mobility difficulties to exceptionally be permitted to board public vehicles from the front doors (case 229726).

LEGISLATIVE AND ORGANIZATIONAL PROPOSALS

Legislative and organizational proposals

This chapter presents the proposals of legislative or organizational nature submitted by the Ombudsman in 2020, in the context of its competence as a body promoting the principle of equal treatment. There is also reference to the Authority's previous proposals that were accepted in 2020[20].

Ministry of Education and Religion	
For teachers who have a child over 2 years of age at the time of their appointment	The Ombudsman proposed the revocation of a Ministerial circular, according to which teachers who, at the date of their appointment, have a child over 2 years old are not entitled to parental leave (for more details, see pp. 48-49).
For school visits to museums and archeological sites	The Ombudsman proposed a legislative regulation pertaining to the visits of Greek schools to museums and archeological sites, which delineates a simple process of registration of participants and exemption (in total) from the entrance fee, for the purpose of preventing discriminatory treatment of members of the student community. In parallel, the Ombudsman proposed extending the right of free entry to foreign children who visit archeological sites and museums privately, provided that there is a proof of their legal residence in the country.
For the entry to higher education of people suffering from serious diseases	The Ombudsman recommended that the process of completing the computerized admission form to higher education, by persons suffering from serious diseases (entry without exams, at a percentage of 5% of the total admissions), should begin at the same time as the process for candidates admitted with entry exams. This way it is expected that there will be sufficient time to perform all the required actions to handle the systematic delay occurring in the start of studies of newly admitted students who belong to this category (for more details, see pp. 66-67).

20. The proposals are presented per ministry, in the current order of the ministries.

For the appointment of single-parent teachers	The Ombudsman proposed the possibility of allocation of bonus points to the category of single parent teachers, during the process of appointing substitute teachers in General Education or Special Education and Training, taking into account that no special points scoring is provided for single parents teachers during the process of their ranking in the relevant tables. The Ombudsman had submitted a relevant proposal on this issue in 2019 but did not receive a response (see Equal Treatment, Special Report 2019, pp. 113-114).
Ministry of Labor and Social Affairs	
For work-life balance of employees	The Ombudsman proposed: a) the introduction of a 6-month parental leave for those employed under private law contracts who, according to the Civil Service Code, are not entitled to a 9-month parental leave and b) the extension of the special maternity protection benefit to particular categories of employees, such as those working in the wider public sector under private law employment contracts, so that they too be entitled cumulative maternity leave (6-month special maternity protection benefit subsidized by OAED) after the post-natal period.
For workers undergoing medically assisted reproduction methods	The Ombudsman proposed: a) the extension of the seven-day leave provided in the Civil Service Code (article 50 of Law 3528/2007, as in force) to the employees in the private sector who use assisted reproduction methods and b) the granting of facilitations (e.g. short-leave, hour leaves) to these employees, so that they can cope with the particularly increased needs of an in vitro fertilization (IVF) program (frequent blood tests and medical examinations).
For the denial of OAED, to grant special maternity protection benefit to stepmothers	The Ombudsman pointed out the need to amend the existing legal framework by instituting an explicit provision for granting special maternity benefits to adoptive mothers, in order to serve the needs of adopted children from early infancy.
For the required number of insurance stamps to grant maternity allowance (pregnancy-birth)	The Ombudsman proposed the reduction of the number of insurance stamps (200) required for the granting of maternity allowance (pregnancy-post natal) to pregnant workers in seasonal sectors, due to the emergency and unforeseen circumstances created in 2020 in the labor market, because of the corona-virus pandemic.

For EFKA not issuing AMKA to adult third country nationals, holders of legal residence permit in Greece, because they could not prove that they work	The Ombudsman raised the issue of proper application of the current legislation in the issuance of AMKA to third-country nationals, who have a legal residence permit, and asked the ministry to be informed of its actions to tackle the problem.
Ministry of Health	
For filing a sexual harassment complaint to a medical association	The Ombudsman recommended to the Medical Association of Athens the abolition of the required 50 euro fee, for the investigation of disciplinary offenses against its members, in cases where allegations of sexual harassment are submitted by patients. The medical association agreed and forwarded a positive proposal to the Minister of Health, asking for the abolition of the fee. The response of the ministry is expected.
Ministry of Justice	
For the age limit of candidates for admission to the National School of Judges	The Ombudsman proposed either the further increase of the existing upper age limit of 45 years for entry at E.S.Di, or its complete abolition (for more details, see pp. 70-72).
Ministry of Interior	
For the age limit of candidates participating in competitions for recruitment in positions that cover seasonal, periodic or urgent needs	The Ombudsman proposed the re-examination and revision of the upper age limit of 65 year of age, set for the participation of candidates in recruitment procedures to cover seasonal, periodic or urgent needs (art. 21 of Law 2190/1994), especially for those candidates who have only a few years left to establish their right to a pension.
For the participation in job competitions of candidates who have acquired Greek citizenship by naturalization	The Ombudsman proposed the issuing of an explanatory circular, addressed to all public and the wider public sector bodies, informing them that the condition of "a lapse of one year from the date of acquisition of citizenship by naturalization" must not be included in the job competition ads.
For women undergoing medically assisted reproduction procedures	The Ombudsman proposed the provision of facilities (e.g. short-term, hour leave) to public sector employees, who undergo medically assisted reproduction methods, in order to be able to cope with the particularly increased needs of an IVF program (frequent blood tests and blood tests).

Acceptance of previous' years proposals

Ministry of Citizen Protection	
For the lack of provision for family care leave ("sick leave of a minor child") to police officers	The Ombudsman had requested in October 2019 information on the actions or the intention of the Ministry to extend the right of sick leave to care for a minor to police officers. In November 2020, article 10A ("Facilitations of police parents") of Presidential Decree 27/1986 was replaced by article 2 para. 2 of Presidential Decree 93/2020, and sick leave for a minor with pay is now granted to police personnel.
Ministry of Labor and Social Affairs	
For the establishment of Disability Card	In 2019, the Ombudsman proposed the establishment of a Disability Card, for the aim of the not-burdensome service of its holders in their transactions with services of the public, wider public and private sectors (see Equal Treatment, Special Report 2019, p. 116). The National Action Plan on the Rights of Persons with Disabilities included the provision of an Electronic Disability Card, which will be linked to all types of benefits to which persons with disabilities are entitled (Objective 5). There is also provision for a special Culture Card for people with disabilities (objectives 10 and 25).
Ministry of Interior	
For the parental leave and the conveniences to foster parents	The Ombudsman proposed the improvement of the legal framework of parental leave/facilitations to which foster parents are entitled, as specific restrictions were applied for this category. The Ombudsman underlined that these restrictions underrate the importance of creating the necessary connection between the members of a non-biological family, in comparison with the facilitations existing for the biological parents. The provision of article 53, para. 2 of the Civil Service Code, was modified according to the Ombudsman's proposals.
For the exercise of the right to vote by persons with disabilities	The Ombudsman proposed the modernization of the electoral process to allow people with disabilities to exercise their right to vote. To this end, it was requested that all appropriate instruments be considered and that relevant good practices developed by other EU countries be considered. The proposal was sent to the [electoral] Coordination Mechanism.

	In February 2020, the ministry replied that the needs of people with disabilities during the electoral process were already met though explanatory circulars, which it issues before each electoral process. However, the Ombudsman's proposals were included in the National Action Plan on the Rights of Persons with Disabilities, in objective 26 (for more details, see pp. 63-64).
Ministry of Maritime Affairs	
For the exercise of the profession of lifeguard	According to Presidential Decree 23/2000, those between the ages of 18-45 had the right to work as lifeguards. As of 2017, the Ombudsman had pointed out that setting an upper age limit for practicing this profession was not specifically justified and had to be revised. With Presidential Decree 31/2018, work issues of lifeguards were re-regulated, but the maximum age of 45 years as a requirement for their employment remained unchanged. The Ombudsman had pointed out that the setting of a maximum age for practicing this profession was not specifically justified and had to be revised. Finally, with Presidential Decree 71/2020 it was defined that, now, the right to employment as lifeguards includes those who have a relevant valid license and are ages 18 to 60 years. License renewal presupposes the presentation of medical certificates and success in sports tests (for more details, see pp. 68-70).

ABBREVIATIONS

Abbreviations

SA	Société anonyme
HEI	Higher Education Institute
CC	Civil Code
PWDS	Disabled Persons
AMKA	Social Security Number
Art.	Article
PHC	Primary Health Committee
GEN	Hellenic Navy General Staff
GSEE	General Confederation of Greek Workers
DE	Secondary Education
CJEU	Court of Justice of the European Union
PPD	Port Police Directorate
BOD	Board of Directors
UNCRPD	United Nations International Convention on the Rights of persons with Disability
ESS	Education Support Staff
Sub-s	Subsection
ECtHR	European Court of Human Rights
EU	European Union
EC	Executive Committee
SES	Special Educational Staff
ELAS	Hellenic Police Force
ELGA	Hellenic Agricultural Insurance Organization
EOPYY	National Organization for the Provision of Health Services
EPOP	Professional Soldier (Hoplite)
EPY	Army Volunteer Five-Year Obligation
E.S.Di	National School of Judicial Officers
EGSSE	National General Collective Agreement
EFKA	Unified Social Security Entity

IDAX	Private Law Indefinite Time Contract
IDOX	Private Law Fixed Time Contract
CMC	Central Mobility Committee
KESY	Central Board of Health
JMD	Joint Ministerial Decision
LGBTO+	Lesbian, Gays, Bisexual, Transgender, Queers, and other communities
ICU	Intensive Care Unit
L.	Law
NPDD	Legal Entity under Public Law
NPID	Legal Entity under Private Law
CoS	Council of State
OAED	Greek Manpower Employment Organization
OASA	Athens Urban Transport Organization
OGA	Agricultural Insurance Organization
UN	United Nations
OPEKA	Organization for Welfare Benefits and Social Solidarity
OSE	National Railway Infrastructure
OSY	Road Transport SA
OTA	Local Authorities
Par.	Paragraph
PD	Presidential Decree
PE	University Education
ALC	Act of Legislative Content
HFS	Hellenic Fire Service (Fire Brigade)
SEPE	Labour Inspectorate
CoS	Council of the State
TAP	Real Estate Tax
CSC	Civil Service Code
Gov. Gaz.	Government Gazette

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