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PRESS RELEASE

Protection from dismissal for adoptive mothers

Protection from dismissal for adoptive mothers has been achieved by the Greek Ombudsman. Under Law No 4488/2017 which was adopted recently (Article 48), following the intervention of the Independent Authority, the same protection from dismissal which is in force for biological mothers, has been extended to women who are in the process of adopting. At the same time, protection against dismissal has been provided for working surrogate mothers, as well as the mothers who are expecting a child through surrogacy.

The Ombudsman's intervention involved a complaint where an employee of the private sector was dismissed, a few days after having informed her employer that she was about to complete the process of adopting a child. The employee contacted the Greek Ombudsman, who established the existence of a legislative gap in the case of adoptive mothers in the private sector, while biological mothers are protected from dismissal from the first day of pregnancy until 18 months after delivery.

The Ombudsman, in its document to the Ministry of Labour, Social Security and Social Solidarity, pointed out that this deficit in protection is a derogation from the constitutional requirement on maternity protection and the constitutionally enshrined principle of equality, given that the way of having a child (by birth or adoption) does not justify reduced protection of both the mother and the child against termination of the employment contract by the employer.

In addition, adoption is a key tool for social policy in the area of protection of minors who are deprived of family or in family conditions which do not allow for the smooth development of their personality. Therefore, it is necessary to take action in promoting the employment of candidate adoptive parents. Protecting adoptive mothers from dismissal is a serious measure in this respect.

In this context the Ombudsman proposed legal protection against dismissal for adoptive mothers, from the moment the child is placed in the family by the competent social service, with a view to adoption, and for a period equal to that of protection for biological mothers.

Information: 2131306670, 2131306712, email: press@synigoros.gr