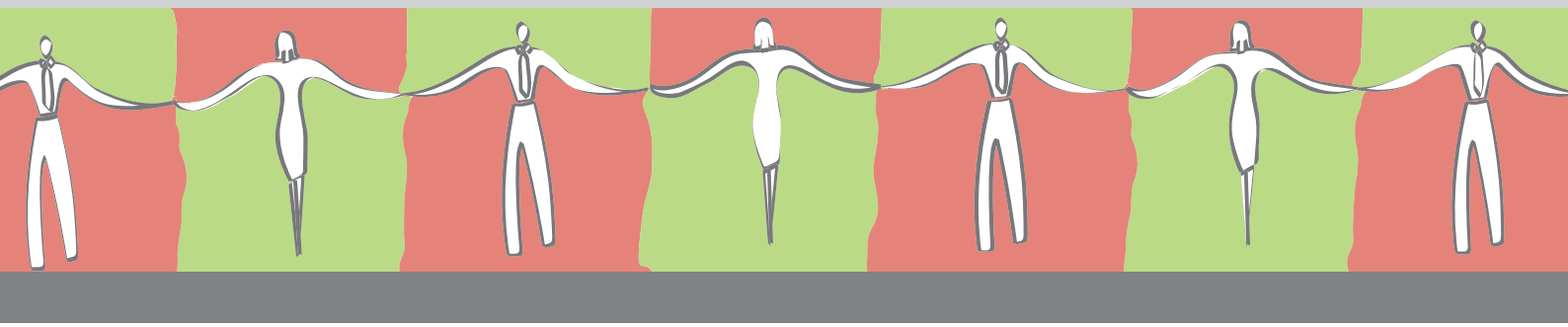
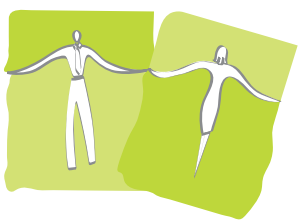
Equal treatment of men and women in employment and labour relations

SPECIAL REPORT | NOVEMBER 2009



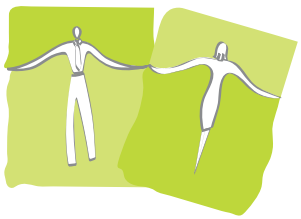
THE GREEK OMBUDSMAN
INDEPENDENT AUTHORITY

GREEK OMBUDSMAN

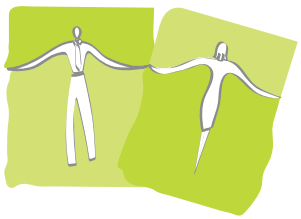


Equal treatment of men and women in employment and labour relations

SPECIAL REPORT | November 2009



Contents



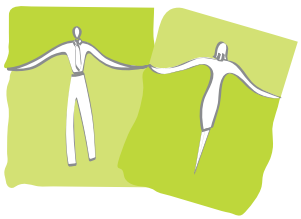
Message from the Greek Ombudsman

The publication of the first special report evaluating the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions describes and codifies the positive developments and problems on which the Greek Ombudsman has focused during the first year of operation of our separate department on gender equality. The establishment and operation of this department in May 2008 was the consequence of two significant developments: the first concerns the institutional framework, i.e. the changes in European and Greek legislation, while the second emerges from everyday life and, specifically, the problems that occur at the workplace more and more frequently. Since 2006, European and Greek legislation have enhanced the relevant role of the Greek Ombudsman, assigning the agency the task of monitoring the implementation of the principle of equal treatment for men and women in labour issues. In fact, the law extended the Ombudsman's field of intervention to include the private sector, as well.

From the complaints the Department received by citizens in the first weeks of operation, concerning discrimination on grounds of gender in employment, it became clear that this new competence requires particular attention and systematic monitoring on our part. Despite the overall impression that our society has evolved with regard to gender equality issues, there are still individual sectors that present problems. Furthermore, new forms of labour and the increasingly frequent extension of employment beyond the traditional working hours have introduced new challenges and demands to safeguard equal treatment of the sexes in this exceptionally important area. There is already dialogue taking place in society, with the state, public administration, social partners, enterprises and the civil society as the main interlocutors.

The Greek Ombudsman can contribute to this dialogue through its experience from daily involvement in issues of gender equality, on the one hand, and through its specialized know-how, in combination with its standard policy of elaborating specific proposals, on the other. I hope this first report proves both interesting and useful to you.

Yorgos Kaminis



Executive Summary

This report presents the most important developments in the field of equality between men and women in the European Union and Greece. It also evaluates the implementation of Law 3448/2006 on the equal treatment of men and women in employment and labour relations. The report covers the period from May 2008, when a separate department of the Greek Ombudsman on gender equality began operating, to April 2009. The report includes references to policies and legislative initiatives, as well as legal issues that emerged during the examination of relevant preliminary questions by the European Court of Justice (ECJ). However, the report mainly underlines legal, procedural and practical problems that emerged during the implementation of Law 3488/2006 through dozens of citizen cases in which the Greek Ombudsman was called upon to intervene either independently or in cooperation with the Greek Labour Inspectorate (SEPE). On the basis of these data, the Greek Ombudsman makes specific findings and proposals.

In the European Union, the European Commission published two packages of announcements, initiatives and legislative measures: one on addressing gender pay gap and one on reconciliation of private and professional life. Moreover, the Commission published a mid-term progress report on the roadmap for equality between women and men (2006-2010). The report notes that progress was made in almost all actions included in the Roadmap, but characterises this progress as uneven and stresses the need to continue undertaking initiatives until 2010.

The European Parliament issued several resolutions and recommendations on gender equality issues, through which it criticised the Commission and the Member States, asking for greater activity, more initiatives for the promotion of the principle of equality and the adoption of specific measures. Of particular interest are the resolutions on the implementation of the principle of equal pay and the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions. The final resolution calls upon Member States to ensure adequate funding and to safeguard the independence of national agencies for the promotion of equal treatment and equal opportunities for men and women.

The European Court of Justice, in two decisions, one against Greece and one against Italy, respectively, found that more favourable treatment of women civil servants with regard to retirement age is a form of pay discrimination that is prohibited by European law. A third ECJ decision concerns the protection provided by European law to pregnant employees who used the method of in vitro fertilisation. The implementation of gender equality in paternity leave and dismissal issues continues to preoccupy European society, as seen through the preliminary questions set before the European Court by the national courts of Member States, during the same period.

In Greece, the Parliament adopted a series of regulations. It passed new legislation for the implementation of the principal of equal treatment of men and women in the access to and supply of goods and services (Law 3769/2009), established a 6-month additional maternity protection leave ("additional maternity protection leave and

benefit") and improved insurance protection of maternity (Law 3655/2008). The administration took separate measures for the reconciliation of private and professional life: it prepared a new institutional framework for the provision of child care services implemented programmes for vocational training, education and awareness-raising on issues of equal treatment of the sexes and adopted a certain number of the proposals made by the Greek Ombudsman in individual sectors.

New regulations, including the European framework agreement on telework, were incorporated in the 2008-2009 national general collective labour agreement, as a result of negotiations and dialogue between top organisations of social partners; at the same time, employer organisations and the Network for Corporate Social Responsibility undertook initiatives to guarantee equal opportunities for men and women at enterprises, either independently or within the framework of Protocols of Cooperation with the General Secretariat for Gender Equality. These initiatives included special events (such as the presentation of awards to enterprises that excelled in the promotion of equality), exchange of experiences and best practices, employee training, the collection and study of special legislation and the creation of special websites.

The Greek Ombudsman established a new, specialised department ("Department for Gender Equality") for monitoring the implementation of the principle of equal treatment for men and women in employment and working conditions. The competence of the new department is going to be expanded by law in order to include equal treatment between men and women in the access to and supply of goods and services of the public sector. From the moment the department of GE began operating until April 2009, it had received two hundred and thirty (230) complaints from citizens. The main categories of cases in which the Greek Ombudsman intervened concerned the dismissal and unfair treatment of pregnant women and the six-month additional maternity protection benefit. The remaining categories of problems that the Greek Ombudsman handled include complaints concerning discrimination in access to employment, sexual harassment, discrimination in pay due to external appearance and discrimination with regard to the issuance and duration of parental leave.

The cooperation between the Greek Ombudsman and the Greek Labour Inspectorate often proved effective for workers. In several cases however, we remarked a significant lack of cooperation. Within the framework of its participation in European networks, the Greek Ombudsman carried out a survey and prepared a report on gender pay gap, in response to a relevant European Commission questionnaire. The Ombudsman also participated in international events, meetings and seminars.

The Greek Ombudsman made general and specific findings. The main ones are the following:

- The legislative and other tools provided by the European Commission to Member States are adequate and the European Court of Justice contributes through its decisions to extending the protection against discrimination on grounds of sex.
- Greece has delayed the transposition of EU Directives on the equal treatment of men and women and is not using the tools provided by European law.
- Law 3488/2008 is an important innovation for Greece, with multiple benefits for the employed and candidate employees.
- Difficulties in the implementation of the law are due to the absence of a broader culture of equality in Greek society and Greek enterprises, the absence of Greek civil court case-law, the difficulties in implementing the reversal of burden of proof, the inadequate familiarization of public administration and labour inspectors with special legislation on the equal treatment of men and women and the inadequate information of employees and employers.

- Citizens are unaware of the new competency and services of the Greek Ombudsman concerning discrimination on grounds of sex; however, those who are informed prefer, as a rule, extra-judicial settlement of their disputes.

- Cases of unfair treatment due to gender in the workplace reflect the pathogenies of the Greek labour market

On the basis of these findings, the Greek Ombudsman has developed a series of proposals concerning the pillars of **harmonization with community law, information, prevention, remedy**:

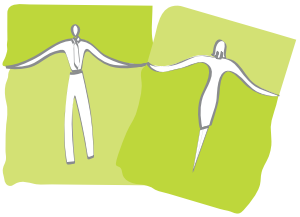
- National policies related to issues of equal treatment of men and women in employment must be harmonized with European guidelines, while national legislation must be harmonized with the acquis communautaire.

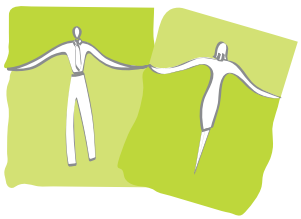
- The administration, social partners, unions and NGOs must intensify their efforts to inform citizens, particularly the employees on the role of the Greek Ombudsman in cases of discrimination on grounds of sexs; moreover, they must regularly inform the Greek Ombudsman about citizens' complaints that come to their knowledge.

- Emphasis must be placed anew on preventive action through regular cooperation and exchange of best practices and experiences with all involved agencies, social partners and enterprises.

- The State must encourage and institutionally support the extra-judicial intervention of the Greek Ombudsman and its cooperation with the Greek Labour Inspectorate as an alternative to court protection - for the establishment of equal treatment between men and women in the workplace.

Individual proposals that specify these pillars are addressed to the Ministry of Labour, the Ministry of Justice, public administration, the competent Social Inspection departments of the Greek Labour Inspectorate, social partners and NGOs.





By Stamatina Yannakourou
Deputy Ombudsman for
Gender Equality issues

Introduction

1. Equality between men and women remains a central issue on the European political and legislative agenda. In the field of politics, gender equality is considered a necessary prerequisite for addressing the demographic issue in Europe and fostering economic development and employment within the continent. The competitiveness of the European economy is related to the ability of the Union to utilize its entire productive potential, including women, who comprise an unutilised source of talent and skills. At the legislative level, from 1975 to date, there has been continuous production of European directives, as well as case-law from the European Court of Justice (ECJ) concerning the equal treatment of men and women in issues of labour, employment, social insurance and access to goods and services. However, despite the remarkable political, legislative and case-law developments, Europe is still far from achieving gender equality. The European Union creates more, but not better jobs for women; it is mainly unable to tackle the insufficient professional prospects of these jobs and the fact that they are associated with low pay. At the same time, the difficulties in combining private and professional life exclude numerous women from the labour market or the possibility of professional development.

Economic recession has further broadened the unfair gender treatment at workplace. The ongoing economic crisis destabilises all labour relations, making them more flexible and informal. This reduces the opportunities of women to find stable, secure jobs with satisfactory pay and receive vocational training in order to improve their qualifications. Furthermore, the crisis prolongs working hours, mainly affecting women who find it hard to cope, due to their larger share of responsibilities in family care. Moreover, during a period of economic crisis, a significant number of private enterprises consider the hiring of women unprofitable, due to legislative protection of women's jobs during their pregnancy and for a year after childbirth, as well as the subsequent protection of reduced working hours for parental reasons.

Several employers in the private and public sector view the observance of legislation on the equal treatment of men and women in employment and the labour market, as well as the associated rights, as an excessive burden during a period of economic recession. Correspondingly, during this period, the monitoring of the implementation of this special legislation by the State and its control mechanisms is not considered a major priority. Nevertheless, tolerance and perpetuation of behaviours that are forms of discrimination on grounds of sex harm the stable operation of the labour market and the competitiveness of enterprises, in the long term, while subverting the very prospect of exit from the crisis, in the short term. Growth, as a main parameter for recovery from the crisis, cannot coincide with lack of equality in employment and the labour environment. The substantial treatment

of this lack of equality requires a combination of legislative and other tools that are able to contribute to the gradual eradication of discrimination on grounds of sex and the change of mentality and behaviour in society and at the workplace. However, the basis for any essential intervention is the existence of suitable legislation that makes such discrimination illegal and that is effectively applied.

In order to allow employees to receive information on their rights to equal treatment, to encourage them to exercise these rights and to enhance their legal protection and access to administrative processes for reconciliation and mediation, the EU legislators requested that the Member States appoint independent agencies to monitor and promote legislation for the equal treatment of men and women.

2. In September 2006, through Law 3488/2006, the Greek Ombudsman was assigned the task of monitoring the application and, generally, supporting the principle of equal treatment for men and women in employment and labour issues, in response to EU law (Directive 2002/73/EC). In May 2008, a specialised department was established within the Greek Ombudsman and made competent for examining specific complaints. After a year of systematic involvement in these complaints, the Greek Ombudsman is capitalising on its experience through the present special report. The purpose of the report is to evaluate the implementation of Law 3488/2006 through the complaints filed by citizens with the Greek Ombudsman from May 2008 to April 2009, as well as to assess the independent authority's cooperation with SEPE, public administration, the organisations of social partners, trade unions and NGOs. This evaluation is taking place for the first time in Greece and is also unique in that it is being combined with a review of major developments in gender equality issues at the European and national level. The purpose of this interconnection is to allow readers to comprehend the interaction between the new competence of the Greek Ombudsman, originating from the Community, and European political, legislative and case-law directions, on the one hand, and the strenuous and slow adaptation of Greece to these directions, on the other.

The cases examined by the newly established Department for Gender Equality during the aforementioned period number two hundred and thirty (230) and present a continuously increasing trend. By observing the course of these cases until the publication of this report, it is found that in several cases, the mediation of the Greek Ombudsman between citizens and public administration had a successful outcome. In fact, in two cases, the acceptance of the Ombudsman's proposals led to an amendment to regulatory administrative acts in favour of a large number of citizens: in the first case, by a joint decision of the Minister of Interior (YPES) and the Minister of Economy & Finance, it was established that travel expenses are granted to employees of Local Government Organisations during parental leave, as well; in the second case, by decision of the Minister of Employment, it was established that the additional maternity protection benefit will also be granted issued to women insured by the former Fund of Hotel Employees (FHE - TAXY). In addition, the Ministry of Interior issued a circular with regard to the observance of Law 3488/2006 by Local Government and their enterprises during personnel recruitment, following a relevant intervention by the Greek Ombudsman. Moreover, following a recommendation by the Greek Ombudsman, the Greek Manpower Employment Organisation (OAED) sent a circular to all its local branches, allowing mothers employed by non proit organisations, who had been initially granted the additional maternity protection benefit but the granting decisions had been revoked later and they had returned to their jobs, to submit new applications, all of which would be processed as fast as possible.

The mediation of the Greek Ombudsman between employees and employers in the private sector had positive results, albeit in fewer cases. In one case, the dismissal of a pregnant woman was revoked; in another, an administrative fine was imposed on an employer who was responsible for unfair treatment of a pregnant woman, following a proposal by the Greek Ombudsman; in a third case, a written recommendation was sent to an employer in regard to issues of sexual harassment, with the agreement of the Greek Ombudsman and the Greek Labour Inspectorate. Also noteworthy are the cases where a gap emerged in terms of legislation or interpretation (e.g. in regard to issues of parental leave for civil servants and educators) and was covered through acceptance of the interpretation, proposed by the Greek Ombudsman, by the administration, following the concurring individual opinion of the State Legal Council, in certain cases.

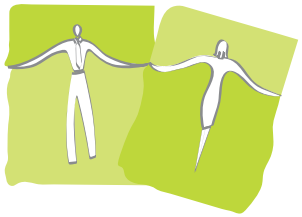
3. The bulk of complaints concerned the violation of rights related to the protection of maternity. We selected to present certain of these cases in the form of dossiers, one on the additional maternity protection benefit , which was established in 2008, and one on the dismissal of pregnant women. The cases included in the dossiers underline general issues that must be addressed by public administration, as well as all agencies involved in the operation of the labour market. Public administration is called upon to interpret poorly written, vague legislative documents, without having the necessary technical knowledge for this purpose. This leads to delays in the provision of services to citizens and to the adoption of arbitrary interpretation of the law, constricting the rights of citizens and allowing room for unfair treatment, not only due to their gender but also due to the form of labour relationship or the legal nature of the employment agency, as well as, potentially, due to other criteria. These inequalities raise issues of a potential contradiction between the provisions being examined and the Constitution and EU aw on gender equality. On the other hand, measures are being adopted to protect maternity in the form of additional leave for women employed under dependent employment contracts by private enterprises, without being accompanied by measures for their re-entry into the labour market after a long absence. Moreover, these measures are not incorporated in a broader national strategy on the reconciliation of private and professional life that would take European trends and directions into account. Thus, if the establishment of long maternity leave is not incorporated in such a framework, it could lead to unwanted results, i.e. lead to the exit of more women from the labour market, instead of encouraging and facilitating their participation in employment. The lack of dialogue between the State and social partners and of preventive intervention in enterprises inculpates pregnancy and maternity, making them a deterrent for the recruitment and professional stability of women in jobs, on the one hand, and for the development of their careers and salaries, on the other. For this reason, the Greek Ombudsman proposes: **a)** the need to prepare a national strategy for the reconciliation of private and professional life, with the participation of all involved agencies, which will greatly contribute towards reducing inequalities between men and women at work; **b)** the simplification and codification of the relevant legislation, along with training for public administration, labour inspectors and judges, aimed at offering updated information to the above as well as guidelines to proper implementation of such legislation.

4. In the near future, as the agency responsible for the promotion of the principle of equal treatment for men and women, the Greek Ombudsman will aim at systemising and developing its cooperation with the Greek Labour Inspectorate, jointly undertaking preventive actions with organisations of social partners and enterprises, as well as enhancing its networking with its EU counterparts, aiming at the exchange of

experiences and the uniform interpretation of European law on the equal treatment of men and women.

At the same time, the Greek Ombudsman will schedule actions for providing information to and raising the awareness of citizens on their rights, as set out in Law 3488/2006 and the recent Law 3769/2009 for the Equal treatment between men and women in the access to and supply of goods and services at the public sector. The new webpage on gender equality issues is expected to serve as an important tool in the provision of information and the popularisation of the work of the Ombudsman, as the agency supporting the implementation of the principle of equal treatment for men and women; the webpage will be inaugurated at the beginning of the coming year, within the framework of the upgraded website of the independent authority.

The Greek Ombudsman is publishing its first special report on the equal treatment of men and women in employment and labour relations with the belief that it is thus contributing towards improving the protection of the rights of working men and women and establishing equality in the labour environment.



1. Policy and legislative developments

1.1. Main developments in the European Union

A. Actions by the European Commission

Roadmap for equality between men and women 2006-2010

[COM(2006) 92 final]

The Roadmap adopted on 1 March 2006 is the main policy framework that includes European Union (EU) initiatives for the promotion of gender equality. With this Roadmap, the European Commission is committed to accelerating the course towards gender equality, in cooperation with the Member States and other partners. The Commission outlines six priority areas for the 2006-2010 period and sets objectives and actions of high importance for each of them, in order to facilitate their implementation. The priority areas are the following:

- equal economic independence for women and men
- reconciliation of professional, family and private life
- equal representation in decision-making
- eradication of all forms of gender-based violence
- elimination of gender stereotypes
- promotion of the equality between men and women in the external and development policies of the European Union.

The Roadmap is in the form of a communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. It can be found at the following website:
http://europa.eu/legislation_summaries/employment_and_social_policy/equality_between_men_and_women/c10404_el.htm

March 2009 **Persisting inequalities: The March "package"**

On 3 March 2009, the European Commission began its campaign to address inequalities in the pay of men and women, publishing two important documents. This initiative became known as the "March package": the two documents were the Commission's report on the equality between men and women, in which it confirmed that, despite certain progress, there are still major differences in numerous sectors, and the experts' report, which underlined that women are greatly underrepresented in decision-making in the financial sector and European politics.

1. Report from the Commission on equality between men and women

[COM(2009) 77 final]

What is the annual report from the European Commission on gender equality?

Each year, the European Commission submits a report to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the progress achieved towards gender equality; in this report, the Commission presents challenges and priorities for the future. This was the sixth consecutive report and can be found at the following website:
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52009DC0077:EL:NOT

Specifically for 2008, the European Commission analysed the progress made towards gender equality and presented future challenges in the report it published on 3 March 2009. Among other things, the Commission underlined that "overall progress is still too slow in most areas and gender equality is far from being achieved". It notes that the number of women in the labour market has increased, but warns that more jobs does not mean better jobs: "women still work part-time more than men; they predominate in less valued jobs and sectors; they are on average paid less than men and they occupy fewer positions of responsibility".

The Commission:

- recognises the negative repercussions on employment in the EU due to the global economic recession and the financial crisis;
- warns that in order "to confront the economic downturn it will be more important than ever to invest in human capital and social infrastructure, enabling both women and men to use their full potential";
- describes gender equality as a key factor for the success of the European strategy for employment and growth and for the creation of more and better jobs.

"Gender equality is the 'key' to economic growth and new jobs"

The barriers that continue to prevent women from filling jobs for which they are qualified include the difficulty of balancing work and family life, as well as persisting gender stereotypes; moreover, the economic recession is likely to affect women more than men, because women are more often employed in precarious jobs.

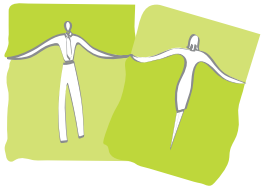
The report includes proposals on:

- encouraging equal sharing of private and family responsibilities between women and men
- tackling stereotypes
- promoting equal participation in decision-making positions and
- creating higher public awareness and better understanding of gender equality by citizens

Extract from the conclusions of the Commission's report for 2008

"...the following need emphasising...:

- The importance of reinforcing the positive results in terms of political commitment to gender equality and of guaranteeing the basic principles and rights of all citizens through the correct implementation of EU legislation, including Directives 2002/73/EC on equal treatment in employment, 2004/113/EC on equal treatment in the access to goods and services and 2006/54/EC recasting seven equal treatment directives;
- The two proposals amending Directives 92/85/EEC on maternity protection and 86/613/EEC for self-employed workers and 'assisting spouses' in family businesses;
- The negotiations initiated by the social partners to conclude an agreement on other family-related leave;
- The continuation of efforts to meet the Barcelona targets on the provision of childcare facilities and the development of other services for facilitating the work- life balance of both women and men".



2. Campaign on the gender pay gap

On the same day, 3 March 2009, the Commission began its information campaign aiming at raising awareness on issues of pay gap between men and women, its causes and ways to address it. Throughout Europe, women earn approximately 17% less than men, on average, and in certain countries the gender pay gap is continuously growing. The campaign focuses on the causes of the pay gap, ways to measure it, the measures being taken by the EU and ways to combat the problem.

3. Women in European politics – time for action

Finally, a new experts' report prepared on account of the Commission and published on 3 March 2009 confirmed that women are greatly underrepresented in decision-making in the area of finance and in European politics. It is also noteworthy that the central banks of all 27 EU Member States are governed by men, while men also represent approximately 90% of members of boards of large companies (that are the domestic constituents of the blue-chip index maintained by the stock-exchange in each country), a percentage that has shown minimal improvement in recent years.

At the institutional level, the percentage of women in the national single/lower houses of parliament has increased by approximately 50%, from 16% in 1997 to 24% in 2008. The European Parliament has a slightly larger percentage (31% women). On average, men serving as Ministers on national governments outnumber women by approximately three to one (25% women, 75% men).

November 2008 — Mid-term progress report on the roadmap for equality between women and men

The European Commission assessed the implementation of the roadmap for equality between women and men in the middle of the 2006-2010 period. On 26 November 2008, the Commission adopted its mid-term report, which states that "...progress [has been made] in almost all the actions set out [in the roadmap]. However, that progress is uneven and highlights the need to continue to [undertake initiatives] until 2010".

The Commission made a number of findings for each of the priority areas set out in the roadmap. The Commission's notes that the following individual problems for the implementation of the Roadmap's objectives are of particular interest:

- **Achieving equal economic independence for women and men**

The pay gap between men and women remains high (17% on average in the EU). This is a complex phenomenon, which, according to the Committee, is mainly caused by the higher proportion of women in less well-paid sectors or less secure jobs.

Women run a greater risk of finding themselves in poverty than men. Thus they have been identified as a target group for the European Year for Combating Poverty in 2010. Women are a disadvantaged group and are frequently subject to multiple discrimination. Particular inequalities relate to women belonging to ethnic

minorities and immigrant women, who represent the majority of the migrant population in the Union.

• Enhancing reconciliation of work, family and private life

Women continue to take on the majority of family and domestic responsibilities. The new demographic challenges centred on the need for greater gender equality and for a modernisation of family policies in order to promote solidarity between generations. The Commission has noted the progress made by the Member States in improving the availability of childcare facilities (for 90% of children between the age of three and school age and for 33% of children aged under three). In its report, the Commission found that only a minority of Member States has achieved this objective.

• Gender-balanced participation in decision-making

Women are still under-represented in all spheres of power in the majority of Member States, as well as within the EU institutions.

• Eradicating gender-based violence and trafficking in human beings

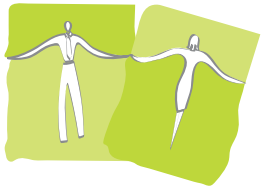
The number of women who are victims of domestic violence, the scale of trafficking and prostitution, and the percentage of acts of violence committed under the cloak of traditions and religion are very troubling phenomena.

• Eliminating gender stereotypes

Male and female stereotypes influence the choice of education pathways and result in women frequently being more represented in lower-paid professions. In order to reduce stereotypes, gender equality has been integrated as a priority into EU education and training programmes. Furthermore, the Commission has launched awareness-raising actions in the business sector.

• Promoting gender equality outside the EU

Greater account is being taken of gender equality in development cooperation and the EU external relations. The EU enlargement policy has led countries of the western Balkans and Turkey to align themselves with the acquis communautaire and European standards on equality and to create appropriate institutional and administrative structures. Moreover, gender equality was reinforced under the Euro-Mediterranean Partnership. The new European instrument for democracy and human rights provides for support for equality and women's rights. Gender equality in EU trade policy forms part of the wider framework of sustainable development.



The Commission warns that strong political will is required in order to achieve the objectives and it is committed to carrying out a final evaluation of results in 2010 and to preparing a strategy for following up the roadmap.

The mid-term report is in the form of a communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions [COM (2008) 760 final]. It can be found at the following website:
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008DC0760:EL:NOT

October 2008 — Reconciliation of private and professional life: The October "package"

On 3 October 2008, the European Commission published a package of mutually complementary initiatives and measures on improving the balance between the professional, family and personal lives of European citizens. The so-called October "package" comprises a communication from the Commission, two reports for the revision of directives (on the self-employed and on maternity leave, respectively) and one report on care services for children.

1. A better work-life balance: stronger support for reconciling professional, private and family life [COM(2008) 635 final]

The communication published by the Commission on 3 October 2008 focused on specific issues of gender imbalance in the take-up of options for the reconciliation of professional and personal life (for example, in regard to part-time employment or family-related leave) and the significant gap between the employment rates of women with children and women without.

The Commission considers that better support for reconciliation measures will contribute to achieving major policy objectives of the European Union, notably on growth and jobs, the social inclusion of vulnerable groups and gender equality. To this end, the Commission proposes the improvement and modernisation of the European regulatory framework (leave, care services for children), which will enable women to achieve greater economic independence and encourage men to play a greater role in family life.

The Commission's analysis and proposals are in the form of a communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions [COM (2008) 760 final]. It can be found at the following website:
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008DC0635:EL:NOT

2. Proposal for the revision of the directive on self-employed women [COM (2008) 636 final]

The first proposal for the revision of the Directive will provide equivalent access to maternity leave as for employees, but on a voluntary basis (replacing the existing Directive 86/613/EEC). At the same time, spouses and partners (if the status of cohabitation produces legal consequences according to national legislation) who work on an informal basis in small family businesses such as a farm or a local doctor's

“Care services for children: most countries did not achieve the objectives”

practice (so-called ‘assisting spouses’) will have access, at their request, to social security coverage on at least an equal level of protection as formally self-employed workers.

This proposal has already been discussed at a first reading in the European Parliament, which sent amendments to the Commission. The European Economic and Social Committee also delivered its opinion. The European Commission issued an opinion on the amendments made by the European Parliament and the proposal for revision of the Directive is now being discussed in Parliament.

3. Proposal for the revision of the directive on maternity leave
[COM (2008) 637 final]

The second proposal on maternity leave (revising the existing Directive 92/85/EEC from 1992) increases the minimum period of leave from 14 to 18 weeks and recommends to pay women 100% of their salary but with a possibility for Member States to set a ceiling at the level of sick pay.

In addition, women will have more flexibility over when to take the non-compulsory portion of their leave (before or after childbirth) and would thus no longer be obliged to take a specific portion of the leave before childbirth, as is presently the case in some Member States. Finally, working mothers will have a right to ask their employer to adapt their working patterns to their new family condition upon returning to work after the end of maternity leave. This proposal has already been discussed at a first reading in the European Parliament, which issued an opinion, as did the European Economic and Social Committee. The proposal for revision of the Directive is now being discussed in Parliament.

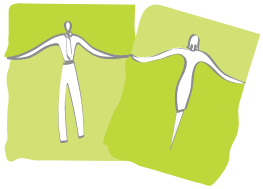
4. Report on inadequate childcare services
[COM (2008) 638 final]

The European Commission’s report on the so-called “Barcelona objectives” on childcare services in the EU was also published on 3 October 2008. The report found that the services currently being provided are failing to respond to the needs of parents, despite some progress. According to the report, most countries have missed the targets for childcare provision – for 90% of children between three and school age and 33% of children under three – that EU leaders set in Barcelona in 2002.

The ‘Barcelona targets’ are an integral part of the EU strategy for growth and jobs and aim to help young parents – and in particular women – who work. The full text of the report can be found at the following website: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0638:FIN:EL:PDF

5. Proposal for the revision of the Framework Agreement on parental leave [COM (2009) 410 final]

On 30 July 2009, the European Commission adopted a final proposal for a Directive for increasing the right to parental leave from 3 to 4 months for each working parent, regardless of the type of employment contract . The proposal gives legal force to a recent agreement of European social partners signed on 18 June 2009, approving it in the form of a proposal for a Directive. This proposal revises Directive 96/34/EC and complements the October “package” for balance between professional, family and personal life.



September 2008

Manual for gender mainstreaming in employment, social inclusion and social protection policies

On 8 September 2008, the Commission published a manual which, on the hand, defines and explains the concept of "gender mainstreaming" and, on the other, advises policymakers on how to implement gender mainstreaming in employment, social inclusion and social protection policies.

The Commission notes that gender mainstreaming involves continuous efforts to promote equality to the implementation of specific measures to help women and mobilising all general policies and measures specifically for the purpose of achieving equality. This means systematically examining and taking into account the consequences that public policies and their implementation measures may have on gender equality. The Commission proposes a four-step method for policymaking: getting organized, learning about gender differences, assessing the impact of policies on these differences and redesigning policies.

The Greek edition of this manual can be found at the following website:
http://ec.europa.eu/social/BlobServlet?docId=2045&langId=el

July 2008

Equality in the renewed social agenda: Opportunities, access and solidarity in 21st century Europe

The promotion of gender equality was a basic point of the renewed social agenda put forth by the Commission on 2 July 2008.

Specifically, the Commission committed itself, among other things, to:

- strengthen the integration of a gender perspective ('mainstreaming') in its policies and activities,
- continue to tackle the gender pay gap, in particular by exploring ways of improving the legislative framework and the way it is being implemented, making full use of the European strategy for growth and jobs, encouraging employers to commit themselves to equal pay and supporting the exchange of good practice at EU level,
- issue a report on the "Barcelona" objectives concerning the availability of child-care facilities,
- take action to reduce the gender gap in entrepreneurship.

The proposal is in the form of a communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. It can be found at the following website:
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:DKEY=473792:EL:NOT

B. Actions by the European Parliament

The European Parliament issued several resolutions and recommendations on gender equality issues. In certain cases, the European Parliament requested that specific measures be taken and, in others, criticised the Commission and Member States, asking for greater activity and more initiatives for the promotion of the principle of equality. Specifically:

Resolution of 15 January 2009

- European Parliament resolution of 15 January 2009 on the transposition and implementation of Directive 2002/73/EC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions. Among other points, the European Parliament directly referred to the bodies supporting gender equality in Member States.

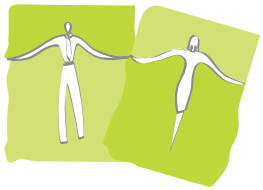
Thus, the European Parliament,

- "appreciates the great number of detailed replies received in a short time from national parliaments and equality bodies concerning the state of play in implementation and problems related thereto" (paragraph 4),
- "urges Member States to develop capacities and ensure adequate resources for the bodies promoting equal treatment and equal gender opportunities provided for in Directive 2002/73/EC, and recalls the Directive's requirement of ensuring the independence of those bodies" (paragraph 13), and
- "welcomes the Commission's intention to conduct a study on the organisation of equality bodies in 2009; invites the Commission and the Member States to gauge the degree of knowledge of EU citizens of the services offered by equality bodies, and to launch information campaigns to make these bodies better known" (paragraph 15)"

(P6_TA(2009)0024, available on the following website:
http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0024+0+DOC+XML+V0//EL

Resolution of 18 November 2008

- European Parliament resolution of 18 November 2008 with recommendations to the Commission on the implementation of the principle of equal pay for men and women. The resolution requests the Commission to submit to Parliament by 31 December 2009, on the basis of Article 141 of the EC Treaty, a legislative proposal on the revision of the existing legislation relating to the implementation of the principle of equal pay for men and women, following the detailed recommendations of the European Parliament. These recommendations include proposals for the prevention of discrimination, gender mainstreaming and sanctions for offenders. P6_TA(2008)0544, available on the following website: http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2008-0544&language=EL&ring=A6-2008-0389)



The European Parliament also invites European institutional bodies to organize a European Equal Pay Day – on which the women of Europe will collect (on average) the salary that men collect (on average) during a year. This action is expected to contribute towards raising awareness on the issue of pay gap and to motivate all interested parties to undertake additional initiatives to eradicate these differences.

The European Commission acts against Member States violating EU legislation on gender equality

During the period under examination in this report, the Commission requested that certain Member States take measures to harmonise their legislation with European legislation on gender equality issues. The Commission derives this right from the EC Treaty and, specifically, Articles 211 and 226 thereof. This request by the Commission is included in a document titled "reasoned opinion". This is the second phase (following that of "letter of formal notice") of the procedure of infringement of European law, as provided for in Article 226 of the EC Treaty. Member States have a two-month deadline within which to respond. If they do not respond or if their response does not satisfy the Commission, the latter may bring the matter before the European Court of Justice.

- On 27 November 2008, the Commission sent reasoned opinions to six Member States (Austria, Lithuania, Slovenia, Hungary, Italy and Malta), requesting that they properly transpose Directive 2002/73/EC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions to their national legislation. The countries in question appear to have not correctly implemented provisions regarding maternity leave, the definition of direct and indirect discrimination and the operation of equality bodies. Earlier, in June 2008, the Commission had sent reasoned opinions, on issues relating to the same Directive, to Finland and Estonia.

- On 26 June 2008, the Commission sent reasoned opinions to Greece, the Czech Republic and Poland in regard to the non-transfer of Directive 2004/113/EC, which prohibits discrimination on grounds of sex in access to goods and services and the provision thereof (Directive 2004/113/EC). Greece has already complied by adopting a relevant law in June 2009 (Law 3769/2009).

1.2. Main developments in Greece

A. At the institutional level

Establishment of a Department for Gender Equality at the Greek Ombudsman

> "The Greek Ombudsman has examined 230 cases since May 2008"

Since 2006, the Greek Ombudsman has undertaken the task of monitoring the implementation of the principle of equal treatment for men and women in the area of employment and labour relations. In order to carry out this duty, the Rules of Operation of the Greek Ombudsman were amended in May 2008 and a sixth Department was established for focusing on gender equality issues. The Department for Gender Equality aims at combating discrimination on grounds of sex or family status expressed:

- during access to employment,
- during vocational training for access to a specific profession or for the acquisition or improvement of professional or practical experience,
- during the exercise of self-employment,
- during the establishment, development or termination of any labour relationship in the private, public and/or broader public sector.

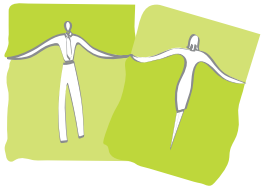
Through the incorporation of EU Directive 2004/113/EC in Greek law (Law 3769/2009, see below), the Department is expect to expand its focus to include discrimination on grounds of sex during access to goods and services of the public sector.

Expansion of the Greek Ombudsman's mission

A new regulation, which will be submitted to Parliament for adoption, further expands the mission of the Greek Ombudsman, which is appointed as the agency responsible for monitoring and promoting the principles of equal treatment and equal opportunities for women and men in the field of employment and labour. The regulation is also expected to facilitate cooperation between the Greek Ombudsman and social partners, NGOs and enterprises.

This is a draft law amending Law 3488/2006, so that Greece may meet the obligation of all EU Member States to incorporate Directive 2006/54/EC in their national legislation by August 2009 at the latest. The Directive codifies and adapts EU legislation on gender equality in employment and labour issues to new developments, and incorporates developments in ECJ case-law.

B. At the legislative level



i. Equal treatment between men and women in the access to and supply of goods and services (Law 3769/2009)

In April 2009, the draft law on the implementation of the principle of equal treatment

for men and women in regard to access to goods and services and the provision thereof and other provisions (Official Journal A 105/1.7.2009) was submitted to Parliament. This draft law includes a series of regulations incorporating Directive 2004/113/EC (EU L 373, 21.12.2 004, page 37) in Greek legislation.

This establishes the prohibition of discrimination on grounds of sex in regard to access to goods and services available to the public, whether these are provided by an individual, a public service or an agency of the broader public sector. Specifically, the field of implementation of the new regulations concerns, among other things, the free circulation of merchandise, access to areas where public admission is permitted, banking and financial services, private insurance, transport, major & minor industrial and commercial activities and health services. On the contrary, the new regulations do not apply to cases of exchanges in the sectors of education, the mass media and advertisement. Other exceptions include the sector of employment and labour, which is covered by Directive 2002/73/EC (EU L 269, 5.10.2002, page 15), which has been transposed into our national law through Law 3488/2006 (Official Journal A 191/11.9.2006).

Following the standard of Law 3488/2006 (Article 13) on the implementation of the principle of equal treatment for men and women in employment and the labour market, two agencies are made competent for monitoring and promoting the implementation of the principle of equal treatment for men and women in this new field: the Greek Ombudsman for public services and the broader public sector and the Consumer Ombudsman for the private sector. These agencies undertake the task of providing independent assistance to issues of gender-based discrimination, conducting independent research and publishing independent reports (Article 11).

ii. Establishment of additional maternity protection leave and benefit (Law 3655/2008)

The establishment and implementation of an additional special leave for the protection of maternity (“additional maternity protection benefit”) was the second major legislative development in the period under examination. The regulation was introduced by Article 142 of Law 3655/2008 (Official Journal 58/A/3-4-2008, “Administrative and organisational reform of the Social Insurance System and other insurance provisions”) and concerns working mothers insured by the Social Security Institute (SSI – IKA) - Unified Insurance Fund for Employees (UIFE – ETAM). The procedure, method and requirements for the issuance of this leave are regulated by Decision 33891/606 (Official Journal 833/B/9-5-08) of the Minister of Employment and Social Welfare. Specifically, mothers insured by IKA-ETAM and employed by all types of enterprises under a relationship of dependent employment under a fixed-term or an open-ended contract and under full-time or part-time employment are entitled to this special leave.

The duration of this special leave is six months. The leave is granted after the end of maternity leave (before and after birth) or the leave equal in duration to the daily reduced working hours if taken all together; it can also be taken after the regular annual leave, if this is required by the deadlines for its granting. Working women can use all or part of the leave; moreover, they can terminate the leave, by written agreement of their employers. In this case, the remaining leave cannot be transferred to a different time period.

During this leave, OAED must provide working mothers with a monthly amount equal to the minimum wage, as set on the basis of the collective labour agreement, as well as a percentage of seasonal bonuses and leave benefits, on the basis of the aforementioned amount. Furthermore, the duration of the special leave counts as days of actual work

during the calculation of the annual regular leave, work experience for establishing remuneration and compensation in case of dismissal, as well as all rights emerging from the provisions of labour legislation.

Further clarifications on the procedure of leave issuance are included in the OAED circular for the additional maternity protection benefit (433/9-5-08/15-5-08) and a special informative note issued by the same agency and dated 26 May 2008.

iii. Improvement of the insurance protection of maternity (Law 3655/2008)

• Through Article 141(1) of the same law, women insured by the main insurance agencies are entitled to notional time for each child they gave birth to from 1/1/2000 onwards, amounting to 1 year for the first child and 2 years for each subsequent child, up to the third, with a maximum limit of 5 years. The specific notional time is taken into account for establishing certain retirement rights and for an increase of the pension amount.

• Through Article 141(2) of Law 3655/2008, contributions to the main retirement sector for insured women at all main insurance agencies under the competence of the Ministry of Employment and Social Protection are reduced by 50% during the twelve months of employment following the month of childbirth.

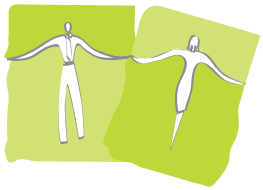
iv. Other issues

• Travel expenses during the nine-month parental leave

By Joint Ministerial Decision No. 2/95080/0022/29.12.2008 issued after the intervention of the Greek Ombudsman, it was explicitly established that, starting from 1 July 2008, there will be no reduction of travel expenses during the nine-month parental leave and the recuperative leave issued to OTA employees, according to the provisions of Article 61(2) of Law 3584/2007. Moreover, the new regulation also applies to OTA personnel employed under a labour relationship of private law. This was made possible by the signing of an additional collective labour agreement for the year 2008, signed on 27 January 2009, of the Hellenic Federation of Personnel of Local Governments (HFP-LAO – POP-OTA).

• Childcare leave for civil servants

The Ministry of the Interior issued an interpretative circular on 29 May 2008 on the issuing of leaves according to the Civil Servant Code and the Code on the Status of Municipal and Communal Employees [DIDAD/F.51/590/oik.14346/29-5-2008 of the Ministry of the Interior]. The clarifications concern the method of implementation of a series of provisions that concern both genders, such as, among others, the issuance of pregnancy and post-natal leave in the case of death of the newborn, early or premature childbirth, the issuance of parenting benefits to newly-appointed employees and employees adopting children and the cumulative issuance of parenting benefits (9 months or reduced working hours) in the case of birth of a new child. The circular resolved several issues that emerged during the implementation of Article 53(2) and (3) Law 3528/2007 on parental leave, adopting a broad interpretation of the concept of "employment in the private sector", which also includes self-employment, including farming, as well as the operation of a personal enterprise.



C. Activity of co-competent Ministries and social & economic agencies

On 16 February 2009, the Ministry of Employment duly dispatched Greece's response to an EU questionnaire on the implementation of Directive 2002/73/EC to the European Commission. This document includes data on actions undertaken by the Greek State, the Greek Ombudsman, social partners and NGOs for the promotion of equal treatment and equal opportunities for men and women. Moreover, the Greek Ombudsman addressed the General Secretariat for Gender Equality (GSGE - GGI) and social and financial partners involved in gender equality issues, requesting data on the implementation of Greek and European legislation, as well as information on the actions they carried out between May 2008 and April 2009. The following bodies responded and sent information: GGI, the Hellenic Federation of Enterprises (HFE - SEV), the National Confederation of Greek Traders (NCHC - ESEE), the Athens Chamber of Commerce & Industry (ACCI - EVEA), the Greek General Confederation of Labour (GGCL - GSEE) and the Hellenic Network for Corporate Social Responsibility (CSR - EKE). Concise data related to the topic of this report are presented below:

i. Reconciliation of private and professional life

The Ministry of Employment and Social Protection prepared a new institutional framework for the provision of care and hospitality services for newborns, infants and children, which entered into force on 26 June 2008. The project offers 16,000 places for the provision of care to children, newborns and infants each year and the total cost amounts to 280 million Euros until 2013; it is estimated that during the entire implementation period, more than 90,000 places in total will be offered to children.

Priority is given to:

- working women with low family income
- women working at insecure jobs
- women participating in programmes of active employment policies (New Jobs [NJ – NTHE], Young Self-Employed Persons [YSEP – NEE], Trainees) and
- unemployed mothers receiving unemployment benefits

The selected mothers have the entire cost of care services for their children covered. It is important that the aid is given directly to the working mother, while previously it was given indirectly, through structure funding.

This action aims at increasing women's capability for employment and equal participation in the labour market. As a beneficiary, the Workers' Social Benefits Organisation (WSBO – OEE) published calls for expression of interest both for the creation of structures and for the provision of care positions to the children of working mothers.

ii. Training, education and awareness-raising programmes

As the competent government agency for the planning, implementation and monitoring of the implementation of gender equality policies, GGI, along with the Research Centre for Gender Equality (RCGE – KETHI), which it supervises, undertook initiatives and implemented programmes for:

- the employment and vocational training of women,
- the improvement of the status of women in the armed forces,
- the training of high-ranking executives of public administration, and
- raising the awareness of educators.

These programmes were co-funded by EU structural funds and the Greek State within the framework of the 3rd EU Support Framework (2000-2006). During the new funding period (2007-2013), through the structural funds, equality policy is developed through specialised measures for supporting women and through a more effective integration of gender equality in all the policies and programmes of the National Strategic Reference Framework (NSRF – ESPA).

The great emphasis placed on informing, training and raising the awareness of their members on equality issues was the common factor of the action undertaken by social and financial agencies, which provided useful information on their activity and the situation in their sectors in regard to gender equality and reported on individual issues.

iii. Social dialogue and protocols for cooperation between the State and employer organizations

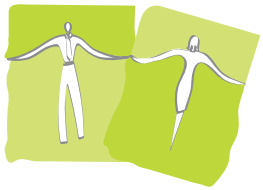
New regulations on equality were incorporated in the 2008-2009 National General Collective Labour Agreement (NGCLA – EGSSE) as a result of negotiations and dialogue between top social partner organisations. Specifically, the following were established:

- leave of absence in order to monitor the school performance of children **Article 4:** "For each child up to the age of 16 that is enrolled in school as a pupil, working parents are entitled to be absent, without loss of pay and following their employer's permission, for certain hours or an entire day from their job, up to a maximum of four (4) working days each calendar year, in total for both parents, so that they may monitor the school performance of their child".

- increased leave for an illness of dependent members of three-child and large families **Article 5**: "From 1-1-2008, the leave without pay provided for in Article 7 of Law 1483/1984 in cases of illness of dependent members is increased by two (2) days and is set at 14 working days each calendar year, if the working individual has custody of three (3) or more children".

- reconciliation of the professional and family life of foster parents **Article 6**: "All the provisions of EGSEE and Arbitration Decisions (AD – DA) that are in force and concern the protection of family and the facilitation of working individuals, who are natural or adoptive parents, also apply correspondingly to foster parents".

Furthermore, special events (such as the presentation of awards to enterprises that excelled in the promotion of equality), the exchange of experiences and good practices, the training of employees, the collection and study of special legislation and the creation of special websites (such as **www.equal-anthisi.gr**) were some of the initiatives undertaken by social partners, either independently or within the framework of special agreements with the State.



An example of such an agreement is the **protocol of cooperation for the promotion of equal opportunities for women and men in enterprises**, which was signed in 2006 by SEV and GGI, in cooperation with other employer organisations, EVEA and the Hellenic Network for CSR. The protocol provides, among other things, for:

a) Research and studies on discrimination against men and women in access to employment and working conditions.
b) Promotion of women's entrepreneurship.
c) Information and awareness-raising campaign, in order to increase the participation of women in positions of responsibility and decision-making bodies. Also for the current legislative framework and developments in the field of equality between men and women, as well as good practices implemented by enterprises at the national, European and international level.
d) Support for the employment of women through substitution measures during the use of maternity leave and measures for the reconciliation of family and work, particularly for small and very small enterprises.
e) Study of new forms of labour organisation in large and medium-sized enterprises, aiming at harmonising family and professional life and at facilitating the participation of women in lifelong learning programmes.
f) Subsidisation of enterprises of all sizes throughout the country, using European and national funds, in order to cover the expenses of childcare structures, to educate and train working women, to prepare the enterprises for quality certification in gender equality policies, if they express such an interest, to use flexible forms of labour organisation that are friendly to both genders, on an optional basis. Priority will be given to small and medium-sized enterprises.
g) Annual gender equality award for enterprises that promote equality between men and women at the workplace.

In February 2006, the General Secretariat for Gender Equality and the Hellenic Network for CSR signed a special memorandum of cooperation, the objectives of which include the mobilisation of socially sensitive enterprises to evaluate and recognise the importance that the promotion of equality has for them. Moreover, the Hellenic Network for CSR has undertaken the implementation of a project, through Ministry of Employment funding, for the creation of an innovative tool for measuring-assessing policies being implemented by enterprises for gender equality. The tool, which has already been created in CD-ROM format, will be forwarded to Network members, while certain of its indices will be selected for use in Network enterprises, in order to ascertain their progress in policies and practices related to the diversity of their workforce.

iv. Access to justice

The unhindered and effective access of victims of discrimination to Justice is of vital importance for the promotion of equality. The number of such refugees in our country is estimated to be low and that, according to GSEE, is due to lack of information, proof, support and to the fear of reprisal. GSEE also expresses serious reservations regarding the manner of transposition of European legislation against discrimination into Greek legislation, believing that Directive 2002/73 and Directive 2006/54 (which has not been incorporated yet) require Member States to guarantee, on the one hand, the proper incorporation of their provisions regarding reversal of the burden of proof and, on the other, the capability of organisations aiming at defending human rights to not only exercise the rights of victims as their representatives, but also to be able to act in their own name. GSEE underlines that the economic crisis and fear of unemployment have exacerbated the position of women in the labour market.

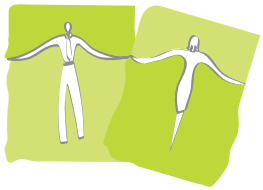
v. Gender mainstreaming in other policies

One of the issues underlined by agencies in their responses was that of the difference between "discrimination" and "inequality". Specifically, GSEE stresses that inequalities are de facto situations with an impact on women due to prejudice and stereotypes, which penetrate into socio-economic structures and render these

inequalities structural and systemic. These inequalities continue to exist even when the reasons for discrimination have been eradicated and gender equality has been achieved at the institutional level. Usually, these are numerous inequalities. Therefore, gender equality is a horizontal state duty of positive actions, i.e. in all relevant sectors of activity, and not merely a prohibition of discrimination on grounds of sex.

Gender mainstreaming in broader policies, such as e.g. in the creation of policies for employment, social inclusion and social protection, and the continuous effort to eradicate stereotypes could greatly contribute towards combating these structural inequalities. A vitally important tool for gender mainstreaming in all policies and actions is the aggregation of gender in the process of drafting and adopting public budgets. This was the topic of the conference entitled "State budgets: A basic element for achieving equality between women and men", organised in May 2009 at Kavouri by the GGI of the Ministry of the Interior, in cooperation with the Council of Europe.

The implementation of gender mainstreaming in public administration was one of the most important programmes implemented until 30 January 2009 by GGI, in cooperation with the National Centre for Public Administration & Local Authorities (NCPALG – EKDDA) and KETHI. Within the framework of this programme, KETHI prepared a guide to good practices of gender mainstreaming in public administration. The guide mainly addresses executives of public administration who occupy positions of responsibility and aims at providing directions, examples and practical advice on gender mainstreaming in their area of activity.



2. Main developments in European Court of Justice case-law

The decisions of the European Court of Justice serve as a valuable guide to interpreting the principle of equal treatment for men and women and to applying European legislation in the interior of European Union Member States. From May 2008 to April 2009, the ECJ was called upon to respond to a series of very interesting issues. Two Court decisions, in cases of the Commission against Greece and against Italy, respectively, judged that the more favourable treatment of women civil servants in regard to retirement is a form of discrimination in regard to pay, which is prohibited by European law. A third decision reached by the Court through a question posed by an Austrian court, concerns the protection provided by European law to pregnant working women who used the method of in vitro fertilisation. The implementation of gender equality in issues of parental leave and dismissals continues to concern European society, as seen in the questions referred for a preliminary ruling before the Court by the courts of Member States during that period.

A. Greece
Discrimination in retirement age and minimum period of service required

The Court decision for case C-559/07 (Commission v Hellenic Republic) was greatly publicised, as the Court decided that the Greek system of civil and military pensions infringes the principle of equal treatment for men and women, as it provides for less favourable conditions for the retirement of men as compared to that of women. Through its decision on 26 March 2009, the Court requested that Greece eradicate discrimination between men and women. This discrimination concerns the age of retirement and minimum period of service required on the basis of the Greek Civil and Military Pensions, which was established by Presidential Decree 166/2000 (Official Journal A 153 3-7-2000). Specifically, the Code states that women have the right to retire at a different (younger) age than men and under more favourable conditions in regard to the minimum period of service required.

The Greek authorities admitted that the legislation establishes more favourable conditions for women, but claimed that these regulations do not concern pay and, thus, do not come under Article 141 of the EC Treaty, which prohibits any discrimination between working men and women in regard to pay. Moreover, they stressed that the different treatment of men and women in regard to the age of retirement and the minimum period of service required is allowed by Council Directive 79/7/EEC on the progressive implementation of the principle of equal treatment for men and women in matters of social security.

The Court did not accept the argumentation of the Greek authorities. On the contrary, it decided that pensions issued on the basis of the disputed system of civil and military pensions is a form of pay under the definition of the Treaty, as it fulfils the three criteria emerging from Court case-law (see, among others, the decisions of 13 May 1986, 170/84, Bilka-Kaufhaus [1986] p. 1607, paragraph 22; Barber [1990] p. I-1889, paragraph 28, Beune, [1994] p. I-4471, paragraph 46; of 10 February 2000, C-234/96 and C-235/96, Deutsche Telekom, [2000] p. I-799, paragraph 32, as well as Podesta [2000] p. I-4039, paragraph 25), i.e.

a. it only concerns a particular category of workers
b. it is directly linked to the period of service and
c. its amount is calculated on the basis of the last salary drawn by the employee.

Since it provides for different treatment of men and women, the Greek regulation infringes Article 141 of the EC Treaty, which prohibits any discrimination in regard to pay.

> The Court is asking Greece to eradicate discrimination on grounds of sex

The final argument of the Greek authorities was that this different treatment is allowed by the fourth paragraph of Article 141 of the Treaty, as it responds to the corresponding social role of men and women and serves as a measure that offsets the disadvantages that women face in their professional lives due to their briefer stay in the labour market.

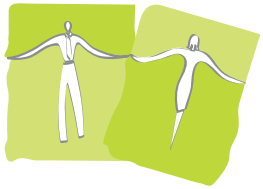
The Court did not accept this claim. It underlined that the disputed provisions cannot offset the disadvantages faced by the careers of women in the civil service and the military, as well as the remaining working women to whom the code applies, helping these women in their professional lives. On the contrary, the disputed provisions merely provide for more favourable conditions for female employees, particularly if they are mothers, than those in force for male employees, in regard to the age of retirement limit and the minimum period of service required, without resolving the problems they may come across during their professional careers.

What Greece must do

By the decision of 26 March 2009, Greece is called upon to equalise the retirement limits for men and women working in the civil service and the military. Neither the Commission, which filed the action against Greece, nor the Court adopted a view on whether the new regulation should abolish the less favourable conditions for men or impose more unfavourable conditions for women. In these circumstances, there is no indication that suggests the establishment of more favourable conditions for men in order to equalise them with the conditions in force for women as the most likely outcome. Nevertheless, the Court underlines that, according to its established case-law, when unfavourable discrimination is ascertained in the area of pay and for as long as measures are not taken in order to resolve the inequality, the observance of Article 141 is only safeguarded by providing the members of the category in the disadvantageous position (in this case, men) with the same benefits enjoyed by the members of the advantageous category (women). Therefore, for as long as the issue is not regulated by legislation, male employees can reasonably request the equalisation of their retirement limit with that of their female colleagues.

B. Italy
Discrimination in retirement age

A few months before issuing a decision on the Greek system of civil and military pensions, the Court found, through its decision on case C-46/07 (Commission v Italy) that the Italian pension scheme for civil servants also violates European law and request that Italy eradicate discrimination between men and women. The pension regime established by the Italian National Provident Institution for the Employees of Public Authorities (INPDAP) set the general minimum retirement age for men at 65 and for women at 60.



The Italian authorities claimed that the numerous employee categories, from court employees to educators, come under the provident institution for employees of public authorities and, thus, the regulation does not concern a particular

category of workers. Consequently, the regulation does not necessarily provide for the same requirements for retirement.

The Court examined the Italian system on the basis of criteria emerging from its case-law and allowing the characterisation of pension as pay, according to the definition of article 141 of the EC Treaty (see above under A). The Court found that the pension only concerns a particular category of workers, is directly linked to the period of service and its amount is calculated on the basis of the last salary drawn by the employee. Consequently, the Court decided that the Italian regulation infringes Article 141 of the Treaty, which prohibits any discrimination in regard to pay.

The Italian authorities attempted to justify the discrimination by claiming that they give women, and particularly mothers, the right to early retirement for social reasons. This was not accepted by the Court, which underlined that the establishment of a different retirement age cannot offset the disadvantages faced by the careers of women in the civil service, nor can it resolve the problems they may come across during their professional careers.

The Italian government now appears willing to promote the equalisation of the retirement limit of women with that in force for men. The new limits will, apparently, be gradually introduced during the next ten years.

C. Austria

Dismissal of a pregnant employee in the case of in vitro fertilisation

In decision C-506/06 [2008], p. I-01017 of 26 February 2008 [this decision was issued just before the period examined by this report, but is included by exception due to its particularity], the Court examined the method of implementation of European legislation for the protection from dismissal of a pregnant women who is being or has undergone artificial insemination. The Court was called upon, among other things, to clarify the term “pregnant” and to define the time at which this status applies in the case of in vitro fertilisation.

This concerns Directive 93/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding, as well as Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

The first Directive prohibits, in Article 10(1), the dismissal of pregnant workers. The Court was called upon to clarify the term “pregnant” and decided that the decisive criterion was the existence of fertilized ova in the woman’s uterus. Consequently, in the case of in vitro fertilization, the prohibition of dismissal of pregnant women does not extend to a female worker who is undergoing in vitro fertilization treatment where, on the date she is given notice of her dismissal, her ova have already been fertilized by her partner’s sperm cells, so that in vitro fertilized ova exist, but they have not yet been transferred into her uterus.

The Court decided that this clarification is necessary for reasons of legal certainty. This is because fertilized ova, before being transferred to the interested party’s uterus, can, in certain Member States, be preserved for a brief or long period of time, while the disputed Austrian regulation provides for the possibility of preserving fertilized ova for up to ten years. The second Directive (76/207) and, specifically, Article 2(1) and Article 5(1) covers, according to the Court’s interpretation, the period directly before the transfer of the fertilized ova to the uterus. The implementation of the Directive’s provision in the disputed case thus precludes the dismissal of a female worker who is at an

advanced stage of in vitro fertilisation treatment, that is, between the follicular puncture and the immediate transfer of the in vitro fertilised ova into her uterus. A prerequisite for the provision of this protection is that the dismissal must have been essentially based on the fact that the woman underwent such treatment.

Workers of both sexes can be temporarily prevented from carrying out their work on account of the medical treatment they must receive. However, the cases of treatment, such as follicular puncture and the transfer to the woman's uterus of the ova removed by way of that follicular puncture immediately after their fertilisation, directly affects only women, according to the Court's decision. Therefore, the dismissal of a female worker essentially because she is undergoing that important stage of in vitro fertilisation treatment constitutes direct discrimination on grounds of sex.

D. New cases

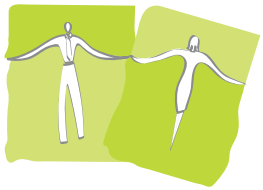
Parental leave and dismissal of pregnant women

From May 2008 to April 2009, national courts continued to pose preliminary questions to the European Court of Justice in regard to the equal treatment of men and women and, specifically, in regard to parental leave and the protection of pregnant workers.

The question in case C-486/08 concerns parental leave and the interpretation of Directive 2006/54/EC [Article 14(1)(c)]. The national court asks whether there is indirect discrimination on grounds of sex if, in the case of employees with private law contracts who take the full two years' parental leave permissible by law, the entitlement to annual leave from the year preceding the birth expires before the end of the parental leave, and the majority of the workers affected are women (97 %).

Parental leave and its impact on the calculation of lifelong pensions due to total and permanent incapacity to perform work is the issue in case C-452/08. National legislation states that the amount of pension due to permanent incapacity to perform work is calculated on the basis of the salary that the employee drew and the contributions he or she actually paid on the basis of this salary during the previous twelve months. In this case, during the majority of the twelve previous months, the employee made use of the one-year parental leave in the form of reduced hours, salary and insurance contributions. The incapacity appeared during this period and was the result of an occupational disease contracted in carrying out the work she was employed to perform for the undertaking that gave the parental leave. The incapacity revealed itself during the parental leave period, but national legislation makes no provision for such a case.

According to statistical data, female workers form the overwhelming majority of workers availing themselves of the form of parental leave described above. Thus, the national court asks the European Court of Justice to interpret Article 4(1) of Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security, in conjunction with the provisions of Article 5 thereof, and to decide whether a method of calculating pensions that does not provide for the case of incapacity caused during parental leave is contrary to the duty of equal treatment during the calculation of benefits.



Finally, the time-limits within which a pregnant woman who was dismissed can file a legal action against the dismissal decision is the issue in case C-63/08. The legislation of the Member State establishes short deadlines of 8 or 15 days, depending on the case, for the filing of actions by a pregnant worker dismissed during her pregnancy. The Court was called upon to interpret the provisions of European legislation (Directives 92/85/EEC and 76/207/EEC) and to decide whether, according to European legislation, national authorities have the right to set such a time-limit. The court then asked whether these deadlines are too short for the pregnant worker dismissed during her pregnancy to assert her rights by judicial means.

3. The action of the Greek Ombudsman for the support of the implementation of the principle of equal treatment for men and women

Law 3488/2006 on the "Implementation of the principle of equal treatment for men and women in access to employment, vocational training and promotion, and terms and conditions of labour" enhanced the role played by the Greek Ombudsman. The independent authority was appointed as the agency responsible for monitoring and controlling the implementation of the principle of equal treatment for men and women, as well as the agency responsible for mediation between the victim and the alleged violator of the principle, in order to eradicate the infringement of equal treatment. The competencies and field of activity of the Greek Ombudsman are expanded in this sector and the relations of natural or legal entities of private law. In May 2008, the Greek Ombudsman established a new department ("Department ") that exclusively handles issues of equal treatment of men and women.

3.1 Citizen's complaints for discrimination on grounds of sex

The Greek Ombudsman receives complaints of discrimination on grounds of sex in regard to access to employment or any labour relationship in the private, public and/or broader public sector, vocational training for access to a specific profession, as well as the exercise of self-employment. Since the separate Department for Gender Equality began operating in May 2008 and during the reference period of this report, the Greek Ombudsman received two hundred and thirty (230) complaints, of which 70% have already been archived, while approximately 30% remain open.

Table 1

GROWTH OF COMPLAINTS (2006-2008)

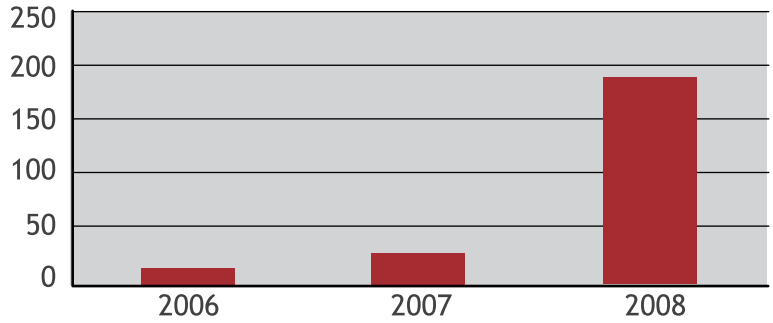
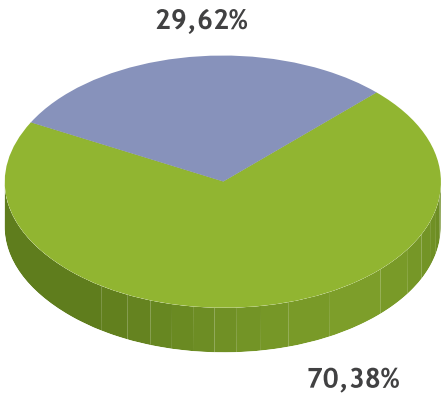


Table 2

OPEN – CLOSED COMPLAINTS

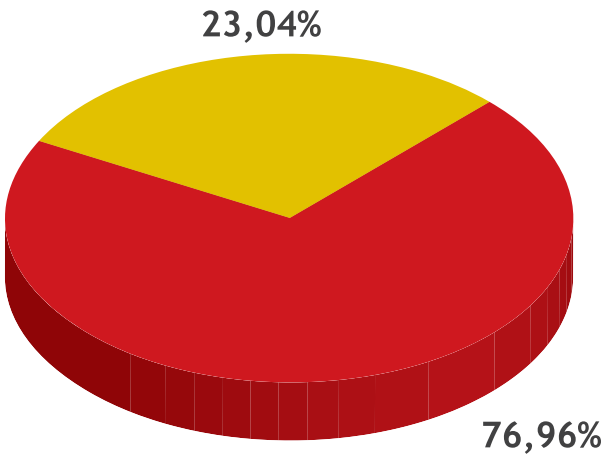


Of the complaints that were archived, 35% were closed without examination (due to lack of jurisdiction, vagueness of request, simple provision of information), while the remaining 65% were archived following examination. Of the complaints closed following examination, the percentage of resolution of the problem following successful mediation of the Ombudsman amounted to 50%.

OPEN CLOSED

Table 3

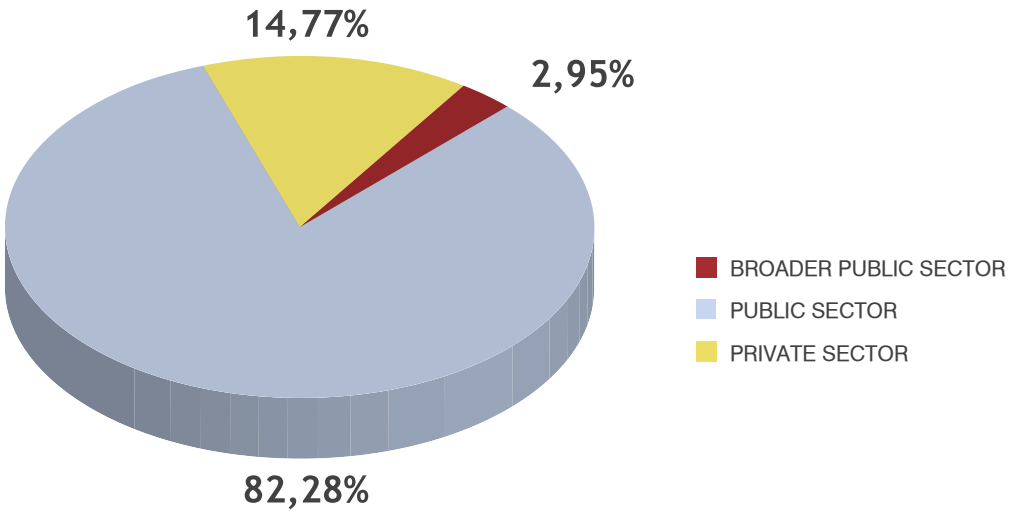
COMPLAINTS PER GENDER



76.96% of complaints were submitted by women, while 23.04% were submitted by men.

Table 4

DISTRIBUTION OF CASES PER AGENCY



The majority of complaints (82.28%) concerned the public sector (public services, Legal Entities of Public Law and Local Authorities of the 1st and 2nd degree), 14.77% concerned the private sector, including banks, and 2.95% concerned the broader public sector.

From the viewpoint of thematic categories, 82.71% of the cases handled by the Greek Ombudsman concerned cases of unfair treatment, while 17.29% concerned maternity benefits (pregnancy – post-natal benefits, additional benefits, additional maternity protection benefit), which objectively concern only working mothers (tables 5 and 6). It was found that unfair treatment on grounds of sex mainly took place in the terms and conditions of labour.

Table 5

CASES PER THEMATIC CATEGORY

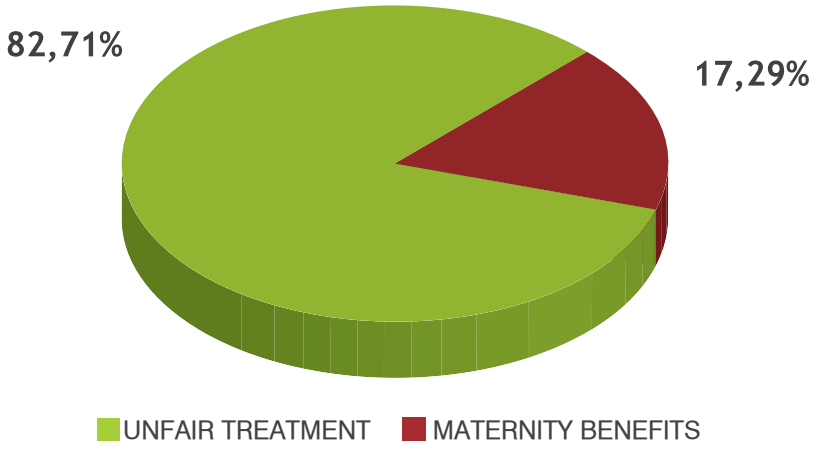


Table 6

MATERNITY BENEFITS

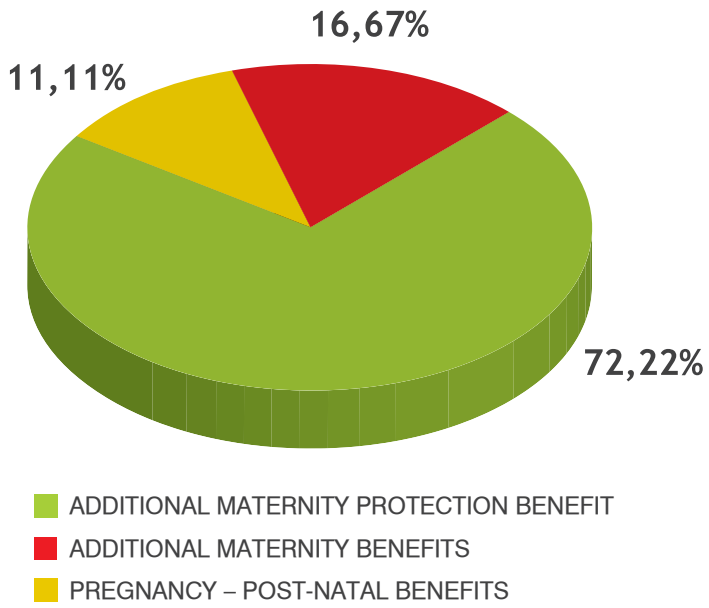
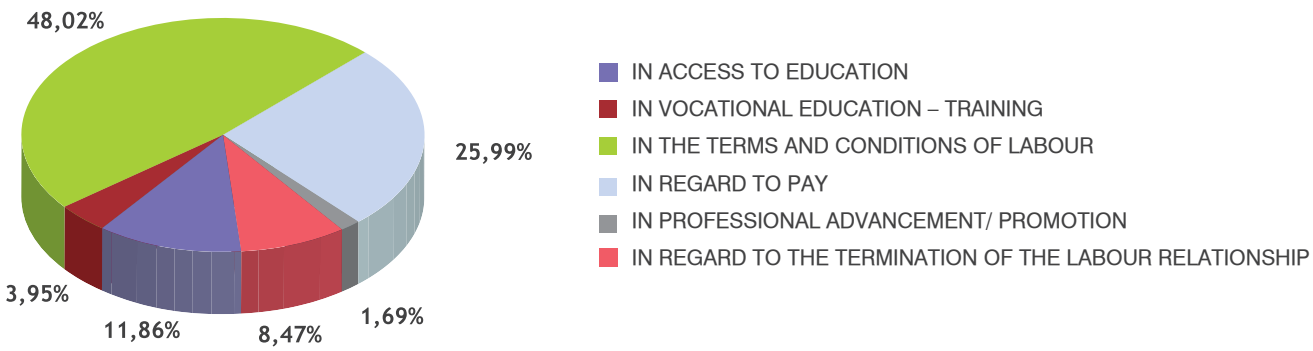


Table 7

CASES PER SECTOR OF UNFAIR TREATMENT

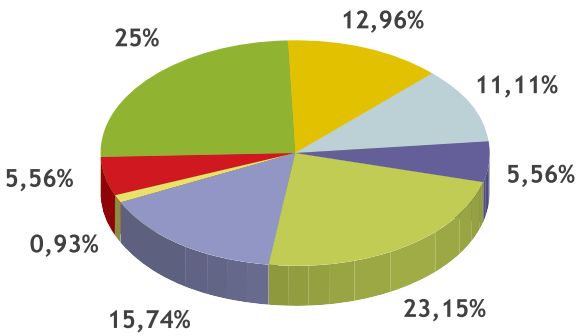


In regard to the **types of discrimination** prohibited by Law 3488/2006:

- 25% of complaints concerned unfair treatment due to parental leave for parenting/childcare purposes
- 23.15% indirect discrimination
- 15.74% direct discrimination
- 12.96% unfair treatment due to maternity leave
- 11.11% unfair treatment due to pregnancy
- 5.56% discrimination on grounds of family status
- 5.56% sexual harassment
- 0.93% multiple discrimination

Table 8

CASES PER CATEGORY OF DISCRIMINATION (LAW 3488/2006)



- DIRECT DISCRIMINATION
- INDIRECT DISCRIMINATION
- SEXUAL HARASSMENT
- UNFAIR TREATMENT DUE TO PREGNANCY
- UNFAIR TREATMENT DUE TO MATERNITY LEAVE
- UNFAIR TREATMENT DUE TO PARENTING/CHILDCARE LEAVE
- DISCRIMINATION DUE TO FAMILY STATUS
- MULTIPLE DISCRIMINATION

The most important cases in which the Greek Ombudsman mediated are presented below, in the form of dossiers - the first on the dismissal of pregnant women and the second on the six-month additional maternity protection benefit - and individual cases.

Dossier

Protection of pregnant women from dismissal and unfair treatment

In the Greek legal order, the dismissal of pregnant women is only allowed when very specific prerequisites are met, which the employer must be able to prove. Until the date of this complaint's preparation, the Greek Ombudsman had examined 18 cases of dismissal of pregnant workers and one (1) case of a threat to dismiss a female employee that came under the provisions on the protection of maternity. Of these cases, two were archived, one due to lis pendens and the other due to withdrawal of the complaint by the worker. In six (6) cases, the interested parties first contacted SEPE and then chose judicial means. Subsequently, when SEPE informed the Greek Ombudsman of these cases, the independent authority contacted the claimants. They had already appointed an attorney to represent them, having decided to appeal to the civil courts in order to invalidate their dismissal. These cases were archived without examination by the Greek Ombudsman due to lis pendens. However, it was found that the majority of claimants were not aware of the Greek Ombudsman's relevant competency and their ability, provided by law, to submit a complaint to the independent authority.

> "Ignorance and psychological pressure were the main reasons female workers did not lodge a complaint"

The Greek Ombudsman also received telephone calls from pregnant workers who, despite suffering psychological pressure to resign from their jobs, did not wish to submit a relevant complaint. A similar phenomenon – of requests for the provision of information regarding these issues, without subsequent submission of a complaint – is also observed at the local branches of SEPE. The cases of dismissal of pregnant women handled by the Greek Ombudsman mark the involvement of the authority in a new sector that presents great specific importance, given the current economic circumstances and the dramatic impact that the crisis or the invocation thereof has on labour rights.

What the law stipulates

The law (Article 15(1) of Law 1483/1984) prohibits and invalidates the dismissal of the labour relationship of female workers by their employers during pregnancy and for a period of one year after childbirth. The only exception is if a significant reason is contributory and which is of basic importance for the validity of the dismissal and which must be adequately justified in the dismissal document. Employers cannot subsequently invoke a different significant reason (one or more) than that stated on the dismissal document. Among other things, significant reasons include inadequate and improper execution of duties by the pregnant worker, as well as non-compliance with the employer's directions, or repeated abandonment of her post, provided this behaviour is not a result of her pregnancy but is an autonomous and independent infringement of her contractual obligations.

When the termination of the employment contract is due to the act that the employer became pregnant or gave birth, this constitutes further and direct discriminations on grounds of sex (Article 5(3d) of Law 3488/2006). Apart from Greek legislation and case-law, there is also the established case-law of the European Court of Justice, formed according to the interpretation of Directive 76/207/EEC, under the light of which Greek judges must interpret the provisions of Law 3488/2006 (Webb, case C-32/93; Tele Danmark, case

C-109/00; Brown, case C-394/96; McKenna, case C-191/03; Paquay, case C-460/06). In fact, according to the wording of the ECJ, in order for a measure concerning workers who are pregnant, have recently given birth or are breastfeeding to be considered to be introducing direct discrimination, its grounds do not necessarily and explicitly have to be the condition of pregnancy or the fact of childbirth, as long as the actual reason for dismissal is this condition or event. Finally, according to Article 9 of Presidential Decree 176/1997, pregnant women are exempt from work without a cut in their pay in order to undergo prenatal examinations, provided these examinations take place during work time.

i. Termination of the employment contract of a pregnant worker due to breach of contract

A woman employed by a private enterprise as a salesperson on a fixed-time contract reported that she was dismissed by her employer a short time after notifying her that she was pregnant. The pregnant woman's employer invoked the employee's "problematic and non-contractual behaviour" at the workplace, as well as the fact that she was not "properly dressed", as a significant reason justifying the dismissal and claimed that she often made remarks to the employee in regard to these issues.

The Greek Ombudsman found that the employer never prepared a written complaint or reprimand and warning in regard to the employee, as set out in the relevant case-law (Nafplion Court of Appeals 220/2004), so as to inform her that if she continued to present such a behaviour, her employment contract would be terminated. Having examined the case, contacted the employer and the employee and cooperated with SEPE, the Greek Ombudsman concluded that the employer's invocation of the reason of problematic behaviour was in the nature of a pretext and that the employee was dismissed due to her pregnancy.

Moreover, the employer had infringed the rights of the employee before the termination of the employment contract , as, when the employee notified her employer of her pregnancy, the former began being pressured to resign from her job; this pressure took the form of additional tasks in difficult conditions for the pregnant worker, as well as that of verbal abuse. Within this framework, the employer refused to grant a short leave to the employee in order for the latter to undergo necessary medical examinations due to a problem that had appeared in her pregnancy, as explicitly provided for by law.

The Greek Ombudsman found that the legal prerequisites for the imposition of an administrative fine (Article 16(2) of Law 3488/2006) were present and notified SEPE of this conclusion; the latter agency finally imposed a fine of five thousand (5,000) Euros on the employer.

ii. Termination of the employment contract of a pregnant worker due to the closing of a company branch

A pregnant worker complained to the Greek Ombudsman about the fact that she was dismissed by the company where she was employed under an open-ended employment contract , despite the fact that she had informed her employer that she was pregnant. The Greek Ombudsman examined the actual events of the case and issued the opinion that the specific dismissal of a pregnant woman is valid, as there was a reason which was deemed significant by case-law.

Specifically, the woman was employed as a salesperson at an independent commercial branch operated by a real estate firm, until the operation of the branch ceased. The company operated another independent commercial branch, the operation of which also ceased and the employment contract s of its employees were terminated. The real estate firm in question no longer operates any other retail branches, having limited its activities exclusively to real estate use. This field features no activity related to that of a retail enterprise salesperson, employing individuals in the following departments: technical, financial, legal support and secretarial support. The Greek Ombudsman explored the possibility of the worker being employed in any of the above departments, but it was made clear that this was impossible, as these departments employ individuals with specialised knowledge and work experience in these specific fields.

According to case-law (Thessaloniki Court of Appeals 47/1991), the significant reason that justifies the dismissal of a pregnant woman is, among other things, the cessation of operation of the branch, due to financial difficulties, under the rationale that the employer cannot justify the continued employment of the woman if the field of her employment does not exist any longer. This was the case at the undertaking in question.

iii. Protection from termination of employment contract after maternity leave

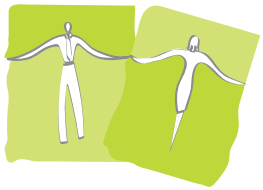
A female employee complained to the Greek Ombudsman that, immediately upon returning to her job after taking six-month maternity leave, her employer threatened that he would dismiss her. During the handling of this case, the Greek Ombudsman cooperated with SEPE from the very beginning. This cooperation, combined with the direct and coordinated actions undertaken by the two agencies, were the determining factors for the success of the intervention.

Specifically, as the employee had already lodged a complaint with SEPE before contacting the Greek Ombudsman, a three-way meeting was directly held at the offices of the competent Social Labour Inspectorate Department, which was not located in Athens. At the meeting, the employer was notified that if he were to terminate the employment contract in question, this termination would be invalid, because the dismissal of a female employee within one year after childbirth or during her absence for a longer time period due to an illness caused by pregnancy or childbirth is prohibited, unless there is a significant reason for dismissal. During the three-way meeting, the employer committed to observing the provisions of the law.

However, during the subsequent days, the employer continued to threaten the employee that he would dismiss her. For this reason, the Greek Ombudsman contacted the employer by telephone, repeated the points made by SEPE and informed him that if he terminated the employment contract in question, the Greek Ombudsman would request the competent Social Labour Inspectorate Department to recommend the imposition of a fine. The employer complied with the recommendations of the Greek Ombudsman and SEPE.

iv. Invalid dismissal of an employee who was not aware she was pregnant - pregnancy starting time

A pregnant employee was dismissed from a major private firm at a time when she was not aware that she was pregnant. As soon as she discovered this was the case, she immediately informed the firm and submitted a request for reversal of her dismissal. At first, the firm asked the employee to submit an ultrasound from a public hospital. Upon examination, the hospital issued a report confirming the existence and age of the embryo.



The employer did not consider these documents adequate proof, due to the fact that the starting time of the pregnancy was set very near the date of notification of dismissal. He requested that the pregnant woman be examined by experts appointed by him, so that they could issue on opinion on the date on which pregnancy began. The employee refused and the employer contacted the X-ray and Ultrasound Department of the hospital, requesting direct access to the evidence of pregnancy. The hospital refused, invoking medical confidentiality, stating that a relevant order by the district attorney's office was necessary. The employer contacted the district attorney's office and requested that an order be issued for access to these data, whereupon the district attorney refused to order the provision of the documents.

Exercising its intervention capabilities, the Greek Ombudsman asked the director of the X-ray and Ultrasound Department of the hospital to issue an opinion on whether, according to scientific data and the medical examinations at his disposal, the date on which the employee was notified of her dismissal was within the time limits of legal protection of pregnancy. The director of the Department sent a comprehensive report, responding to the query in the affirmative. The Greek Ombudsman provided the report to the employer, with the consent of the employee, and achieved reversal of the dismissal.

v. Pregnancy and equal access to vocational education

An English teacher at a public school was selected to attend the post-graduate specialisation programme of the Hellenic Open University (HOU – EAP) and deposited the necessary monetary amount. However, she was not able to attend the subsequent educational meetings, because she was required to remain confined to bed, as she was soon discovered pregnant and the pregnancy was deemed complicated. This fact is proved by the relevant certifications issued both by the public hospital monitoring the health of the interested party and by the private physician examining her. A few months later, the teacher requested to attend the thematic module she had selected without having to deposit the tuition fee anew. EAP responded to this request with a rejection, without justification.

The Greek Ombudsman notified EAP that unfair treatment due to pregnancy in access to vocational training programmes is direct discrimination on grounds of sex, which is prohibited (Articles 6, 2 and 5(3)(d) of Law 3488/2006). According to ECJ case-law (Gravier, case C-293/83 and Blaizot, Case C-24/86), the concept of vocational training includes university studies, as well as university education, through which a skill necessary for exercising a profession is acquired, even if the acquisition of relevant knowledge is not imposed by legislative or administrative provisions. The specific post-graduate programme of EAP falls under this category, as the interested party is already employed as a teacher and attendance of this post-graduate programme, without being mandatory, would incontestably provide her with important knowledge and skills for exercising her vocation.

The written response of EAP states that the rejection of the teacher's request is purely due to financial reasons, as the larger part of students' financial contributions for study expenses is provided for the salaries of teaching and research personnel and that the rejection "has no bearing to the condition of her health, i.e. her pregnancy". Moreover, EAP claims that the special provisions of its Founding Law prevail in this case.

In a document to the Ministry of Education, the Greek Ombudsman states that financial reasons are not acceptable when they result in the creation of discrimination, according to established ECJ case-law. That is, the compensatory nature of students' financial contributions does not justify discrimination on grounds of pregnancy. Moreover, Law 3488/2006 explicitly states that, upon its entering into force, any general or special provision of laws, decrees, Ministerial decisions, etc. is annulled, if it conflicts with the Law's provisions.

Dossier
Six-month additional maternity protection benefit

The Greek Ombudsman has received numerous complaints concerning the provision of the additional maternity protection leave and benefit. These complaints raise two fundamental issues: on the one hand, the date of entitlement to this benefit and the procedure for its granting and, on the other hand, the categories of beneficiaries, since several categories of working mothers have been excluded.

Up to the date of compilation of this document, 77 such complaints had been filed with the Ombudsman by working mothers. Of these, 36 are open for investigation. The remainder have been closed either because the citizen's request was granted by the agency involved following the mediation of the Ombudsman, or due to other formalities, such as a request for providing information or the absence of an individual administrative measure. In the case of a small number of complaints, the request was inadmissible.

As regards the content of the complaints, 64 concerned categories of workers exempted from the benefit and the remaining 13 concerned the procedure for its provision.

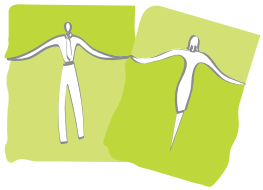
What the law stipulates

The legislation (Article 142(1) of Law No. 3655/2008) establishes an additional six-month maternity protection leave, following the post-natal maternity leave and the leave that is equal in length to the period of reduced working hours provided by Article 9 of EGSSE for the years 2004-2005. During this leave, the working mother receives from OAED a gross monthly amount of money equal to the minimum wage. A mother insured with IKA-ETAM and working in any type of enterprise is entitled to this benefit. A decision (No. 33891/606/08/9-5-08) by the Minister for Employment and Social Protection and a relevant circular (433/15-5-08) of the General Workforce Directorate of OAED defined the scope of implementing the measure.

A. Additional maternity protection benefit : starting time and issuance process

The major problems observed during the procedure for providing the special maternity benefit are, in brief, the following:

i. Discrepancy between the date of entitlement for providing the additional maternity protection benefit and the six-month maternity leave.



The ministerial decision (see box above) stipulates as the entitlement date of the special leave for the protection of maternity, the day following the end of the post-natal maternity leave or the end of the leave that is equal in length to the period of reduced working hours.

The Ombudsman has recommended an amendment to the measure, so that it may be possible to submit applications to this effect two months before the end of the periods of leave provided (post-natal leave, leave equal in length to the period of reduced working hours). In fact, it has been recommended that the date of entitlement to special leave as well as the six-month additional maternity protection benefit should be set as the day following the end of the post-natal maternity leave or the leave that is equal in length to the period of reduced working hours. It should, however, be possible to submit an application for the special maternity protection leave benefit sixty (60) days before the end of the periods of leave provided (post-natal leave, leave equal in length to the period of reduced working hours). This two-month period is a reasonable period of time to examine the requests, given the seven-day deadline for issuing a decision, as provided by the relevant circular (see box above). This would give interested working mothers the possibility to plan their return or non-return to employment and to arrange matters concerning child care; it would also enable employers to prepare in good time for the temporary replacement of the working mother during her absence, according to the possibilities provided by the law.

Currently, the application should be submitted within 60 days from the end of the previously mentioned leave periods. Due to this stipulation, the working mother is obliged to be off work for the period while waiting for OAED's decision, since a positive decision issued is of retroactive character as of the day following the end of the post-natal maternity leave or the leave that is equal in length to the period of reduced working hours. If, during the period mentioned above, the working mother returns to work, the time periods of employment, of IKA insurance and of receiving OAED's six-month additional maternity protection benefit, coincide; this causes problems, particularly due to the payment of insurance contributions by two different sources for the time period in question. If, on the other hand, the application is rejected by OAED, the working mother is not covered for the time period she remains off work, which might last several months, as revealed by the administrative procedures implemented by OAED. A delay in issuing a response by OAED results in loss of earnings and insurance rights for the time period the working mother is off work.

ii. Irregularities when receiving applications, issuing and revoking decisions

In many cases, the competent local OAED authorities refused to accept applications, informing interested working mothers that they did not fall within the relevant legislative provisions. In other cases, the women were initially reassured that their request would be granted, yet delayed rejecting decisions were issued, in violation of the legislative framework in force, as well as the principle of good administrative behaviour and the justified expectation of the person involved. A significant number of rejecting decisions has also been observed, the justification of which was insufficient, unclear and non-specific; therefore, it does not constitute legitimate justification in accordance with Article 17 of the Administrative Procedure Code.

Of particular interest is the case of a mother, whose application was rejected on the grounds that mothers working for non-profit organizations or associations were not covered by the provisions of this law. This decision was later revoked by the competent local OAED agency, following an opinion expressed by the Legal Advisor of the Ministry of Employment, which the Minister accepted, so that the provision of the benefit in question to the interested party was finally approved. However, OAED refused to execute the decision on the grounds that the interested party had returned to employment.

The Ombudsman has confirmed irregularities during the procedure of issuing an initial decision, as well as legitimacy problems in regard to both the decision in question and the refusal to rescind it, since these constitute a violation of the legislation in force, of related circulars as well as the principle of good administrative behaviour. The Ombudsman dispatched a document to the competent OAED agencies requesting that

"Additional six-month leave: 77 complaints in 17 months"

the benefit should be provided to the interested party after she submits a new application following the filing of her new request. The Ombudsman also requested that the central agency of OAED should ensure, through specific actions addressed to all local agencies, that no irregularities take place in the future during the period of issuing, executing or possible rescinding of decisions concerning the provision of the six-month additional maternity protection benefit.

In response, the General Workforce Directorate gave instructions (document 147587/02.12.08) to local agencies and regional directorates of the organisation so that the beneficiaries of this allowance working for non-profit bodies, whose applications were pending or had been rejected and later accepted as justified, yet had returned to their work already, could resubmit applications which would follow summary procedures. In these cases, the competent OAED agencies are called upon to issue approval decisions with an entitlement date for the provision of the six-month maternal protection benefit being the date defined by the employer.

The Ombudsman has recommended that all cases should be processed in a similar and consistent manner, whenever an initial rejecting decision is revoked and a new decision is issued, which provides the benefit to categories of working mothers that had previously been exempted, which had resulted in the interested parties having returned to their work or using other leave/benefits. It should be noted that this possibility applies only in the case of working mothers employed by non-profit agencies.

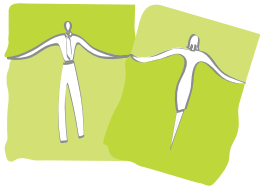
iii. Exceeding the deadline provided by law for processing applications

The relevant OAED circular (see box above) provides that decisions related to the six-month additional maternity protection benefit are issued within a deadline of seven days. In most cases, however, the deadline provided had been exceeded and the hearing of complaint cases was delayed. This delay, in combination with oral assurances that the requests of interested parties would receive a positive response, resulted in certain working mothers having to ask for different types of leave so as to cover the waiting period or to go back to work, which, in one case, was used as grounds for refusing to execute the revoked rejecting decision that justified the interested parties request at a later point in time, while, in another case, which was brought to the attention of the Ombudsman, the interested party left her employment.

Following the intervention of the Ombudsman, problems relating to delays were resolved, while OAED's General Directorate of Labour Force gave instructions (document B105066-05.02.2009) to its local agencies to issue approving or rejecting decisions within seven days at the latest and to forward objections by interested parties immediately to the competent Regional Directorate, which will raise the case at their next meeting as issues of top priority.

iv. Rescinding approved decisions and return of undully paid amounts

In certain cases, rescinding the initial decision after the major portion of the six-month benefit had been paid to beneficiaries, resulted in the amounts deposited being reclaimed as wrongly paid. In such cases, these actions by OAED have caused disproportionately difficult circumstances for the interested parties, since the revocation of the initially approving decisions had resulted in loss of employment and insurance rights. In regard to this last issue, the General Secretariat of Social Insurance has asked IKA to present its views.



v. Problems during spot checks following granting of the benefit

In three cases reported to the Ombudsman, approval decisions for the provision of the additional maternity protection benefit were revoked, following checks, since the beneficiaries were found to be working. This resulted in seeking repayment of such amounts as amounts wrongly paid. During the investigation of the cases reported a question arose in regard to the checks undertaken by employees of local OAED agencies. In the relevant OAED circular (see box above), it is provided that the check will be carried out by one employee from the employment office and one employee from the insurance office of the Employment Promotion Centre (EPC – KPA) or two employees from the employment office of KPA using the form entitled 'Visit to the Employer'. Furthermore, it is stated that: "If, during the check, it is discovered that the mother is working for an employer..., the competent agency will proceed to revoke the relevant approving decision, to attribute debts and to seek insurance contributions from IKA".

In none of the cases brought before the Ombudsman has any procedure been followed to confirm that the beneficiaries did indeed continue to work at the businesses where they used to work before they received the six-month additional maternity protection benefit. Additionally, in one of the three cases the check was undertaken by only one employee instead of two, as stipulated in the circular.

The Ombudsman brought the above to the attention of OAED so that the specific cases may be checked again and the response of the organisation is still pending.

B. Exemptions of working mothers from the additional maternity protection benefit

A major issue investigated by the Ombudsman has been the exclusion of broad categories of working mothers from the measure of six-month additional maternity protection benefit. The Ombudsman stressed first of all that there was an irregularity at the level of administrative action, since in some cases the rejecting decisions which misinterpreted the law were issued following an oral mandate by the administration. The Ombudsman has generally expressed some reservations about the validity of the internal instructions given by OAED's administration, which specify the groups of working mothers entitled to or exempted from receiving the six-month additional maternity protection benefit, to the extent that, in most such cases, such instructions did not emerge from an opinion expressed by the legal service or the Board of Directors of the organisation. More specifically, cases of this type may be classified as follows:

i. Exemption of employees not falling under Article 9 of the National General Collective Labour Agreement (NGCLA -EGSSE) 2004-2005

Every employee insured with IKA-ETAM who is employed by any type of private enterprise is entitled to the six-month additional maternity protection benefit. The Ministry of Employment and Social Protection, accepting the individual opinion expressed by the Legal Council of the State (365/2008), has interpreted the law in such a way that entitlement to this additional maternity protection benefit is contingent on an additional third criterion: the insured working mother should come under the provisions of EGSSE 2004-2005. Pursuant to the interpretation mentioned above, OAED judged that the benefit is not to be provided to those working mothers who come under trade or business Collective Labour Agreements (CLA – SSE) which stipulate more beneficial measures for reduced working hours. The latter, however, depend on the agreement of the employer, without examination of whether the working mothers do indeed benefit from the measures in question.

The Ombudsman confirmed that the interpretation offered by the administration is wrong because:

a. The aim of the legislator is to benefit all mothers employed in the private sector rather than to exclude certain categories, to which, in any case, explicit legislative mention should be made. The additional criterion constitutes discrimination at the expense of a category of working mothers. Lack of an appeal to causes of more general, social or public interest raises an issue of possible contradiction to the provisions to Article 4(1) of the Constitution (Principle of Equality).

b. The aim of the legislator, when referring to the EGSSE, is to define the chronological sequence for a working mother exercising her rights rather than to add an additional criterion.

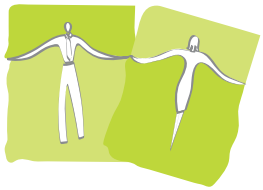
c. Article 142 of Law 3655/2008 aims at harmonizing the legislation with the social mandates of the Constitution (Article 21) and it should be interpreted in a manner that ensures the most beneficial or the most effective implementation of maternity protection.

The Ombudsman requested that the Ministry and OAED interpret the legislation in a manner that would provide the additional maternity protection benefit to the working mothers to whom EGSSE 2004-2005 does not apply. The Ombudsman also asked for the amendment of Ministerial Decision 33891/606/08/9-5-08 so that it excludes from the measure only those working mothers who indeed are eligible for more beneficial measures of collective contracts and not those that are of no practical benefit, due to the employer's disagreement. The response of the administration is still pending.

ii. The case of hotel employees: Working mothers insured with the Social Security Institute (SSI - IKA) - Unified Insurance Fund for Employees (UIFE - ETAM) who have received maternity benefits from another agency

A large number of cases reported concerns the rejection of requests by working mothers because, although they are insured with IKA-ETAM, they have received their pregnancy and post-natal allowances from a different insurance agency, such as the former Fund of Hotel Employees (TAXY) and, therefore, they do not fulfil the requirements to receive maternity allowances from IKA.

The General Secretariat of Social Insurance (GSSI – GGKA) clarified in a document that hotel employees, insured with TAXY, did not receive maternity allowance from IKA-ETAM but from the fund in question. Following the inclusion of TAXY in IKA-ETAM, as of August 1, the provision of monetary benefits, such as maternity allowances, takes place by means of a special account which is still governed by the provisions of the statues of TAXY; therefore, women hotel employees are still not entitled to the six-month additional maternity protection benefit. OAED's General Directorate of Labour Force forwarded this document to regional and local agencies of the Organisation, notifying them about the exemption of mothers who are hotel employees from those entitled to the six-month additional maternity protection benefit.



The Greek Ombudsman underlined that, by virtue of Article 4 of Law No. 3655/2008, TAXY social security fund was included as of August 1 into the sickness branch of IKA-ETAM. As of the same date, the persons insured in the sector, as well as their family members, shall be insured with IKA-ETAM and are governed by the legislation of TAXY in regard to benefits in kind.

When TAXY social security Fund was included in IKA-ETAM, similarly to what had previously happened with the pension branch, the exemption of mothers who work as hotel employees from the six-month additional maternity protection benefit has no legal grounds. Such an exemption contravenes the principle of equal treatment for the insured by the law, given that, on the basis of established case-law, it is prohibited to treat unequally similar groups of insured workers within the same insurance agency. The fact that the provision of maternity allowances, following the inclusion of TAXY social security Fund into IKA-ETAM, is still governed by the provisions of the statutes of former TAXY, strengthens classification of the status of the insured persons in question as essentially the same status that should receive equal treatment from the legislator, and, by extrapolation, by the insurance agency.

Furthermore, Article 35(1) or Law No 2676/1999 stipulates that “persons who have been insured by more than one agency in succession or with sickness schemes coming under the competence of GGKA that provide maternity allowances, are entitled to receive such allowances from the Agency which undertook the risk insured, since the insured person has fulfilled the legislative prerequisite conditions of the last agency, while the period of insurance with other agencies is also taken into account”. The intention of the legislator, with the coming into force of this provision, was to ensure that working mothers are not deprived of maternity benefits in the case of their changing their insurance agency, thus ensuring that there will be no loss of insurance benefits associated with the protection of maternity for the working mothers and that their insurance status will continue regardless of their inclusion in different employees’ funds in the context of successive insurance regimes.

The administration responded to the request by issuing Decision No. 26637/1050/04.09.09 by the Minister of Employment and Social Protection, which extends the six-month additional maternity protection benefit to include those who had been insured with former TAXY. What remains open is the issue of whether mothers who had received a rejecting decision and returned to their work would be able to submit new applications to OAED so as to receive the benefit in question and if OAED is going to facilitate these cases by following summary procedures, as recommended by the Ombudsman. The Ombudsman has recommended accordingly because he stated from the outset that the issue should be handled through the correct interpretation of the law by the administration, through a circular, and that it is not necessary for a ministerial decision to be issued.

iii. Mothers working for small businesses and next of kin employers

A significant number of cases reported come from mothers who work for small businesses and who are 1st or 2nd degree relatives. The applications from such women were rejected on the grounds that they are not in dependent employment and they do not pay contributions to OAED.

Although the exemption of this category of working women is not explicitly derived from Arti-

cle 142 of Law No. 3655/2008 or the ministerial decision issued by delegation, it is still included in the exemptions based on the law, as listed in the informatory note dated July 7, 2008, dispatched by OAED's Directorate of Insurance of the Labour Force to its local agencies, on the grounds that the women in question are not in dependent employment.

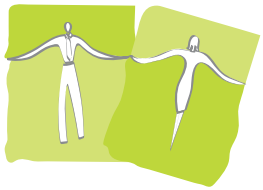
In any case, the specific category of working women is already entitled to supplementary maternity benefit provided by OAED. This is mainly attributable to the fact that the supplementary maternity benefit is not a pure insurance benefit, since its payment is independent of the contributions made by employees and employers, which would give it a mixed character and, therefore, it can be characterized as a compound social security benefit.

The six-month additional maternity protection benefit is similar to the supplementary maternity benefit, firstly, because during their provision no contributions are provided from the insured or their employers and, secondly, because there is no insurance for another sector beyond that of their pension, and contributions are withheld in both cases from the women insured. Indeed, in the case of the six-month additional maternity protection benefit, the employer's contribution, contrary to the supplementary maternity benefit, does not burden the woman insured but OAED. The two benefits are also governed by the same regime, in regard to the prerequisite conditions for their provision, i.e. active employment status and receiving maternity allowances from IKA-ETAM; it is therefore not comprehensible why women working for their relatives should be exempted from the six-month additional maternity protection benefit, while they are entitled to receive the supplementary benefit.

Taking the above into account along with the character of this specific benefit, the Ombudsman proposed that the benefit provision should be examined for this category of working mothers. Until the time of compilation of this report there has been no response to the request submitted by the Ombudsman.

iv. Other cases of exemption

Finally, the Ombudsman examined complaints relating to the status of the employment agency of insured persons and whether it comes under the definition of a private enterprise. In this context the grounds justifying the rejection of the requests made by mothers working for non-profit agencies and Olympic Airways were examined – cases that have been positively resolved following the expression of relevant opinions. Furthermore, complaints were submitted by women working under a regime of fixed-term contracts under private law, in full or part-time employment, in the public sector, for Public Utility Companies (PUC–DEKO) or Legal Entities of Public Law (e.g. substitute or hourly-paid teachers at state secondary schools, specialist registrars in the National Health System (NHS – ESY), women working at embassies), who, although under the terms of EGSSE in regard to maternity leaves and children's upbringing and insured with IKA-ETAM, were exempted because the agencies mentioned are not enterprises and, therefore, in accordance with provisions in force, the rejection of these women's requests was found to be legitimate. Furthermore, certain individual applications were judged and, consequently, filed as legitimate in cases of working mothers employed at the employer's home, collecting resin, salespersons at outdoor street markets and persons employed on a traineeship or project contract, because they do not fulfil the criteria of Article 142 of Law No. 3655/2008, since they are not working on a contract or relationship of dependent employment.



Finally, the exemption of working women not employed by a steady employer (e.g. exclusive nurses) was considered legitimate. To be specific, the Ombudsman accepted the view expressed by OAED's Directorate of Insurance, according to which exclusive nurses are not even entitled to supplementary maternity benefits or the six-month additional maternity protection benefit, since they do not have a steady employer (Article 5 of Presidential Decree 776/11-8/6-9-77) and their individual patient-employer at any given time cannot be considered to come under the definition of 'enterprise', as characteristically stipulated by Article 142 of Law No. 3655/2008.

Specific Cases

A. Discrimination in Employment Access

i. Exclusion of women from an announcement for Travel Agency Director [1]

A business published in a local newspaper an advertisement for the position of the director of a general tourism office. The advertisement, among other prerequisite conditions, stated that the candidate should be a 'man between 25-50 years of age'. This fact was reported to the General Secretariat for Equality and it was then brought to the attention of the Ombudsman by a reporter working for the newspaper that published the vacancy. A document on the same issue was also sent by the competent Directorate of SEPE (Greek Labour Inspectorate) to the Ombudsman and to the Department of Social Inspection of Larissa asking that the actions stipulated by law should be taken.

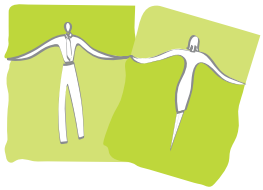
The phrasing of this notice of vacancy leads to direct gender discrimination in employment access (violation of Law No. 3488/2006, Article 5(2)) on the grounds that should a woman be interested in the position of director and possess all necessary qualifications (specific previous experience, knowledge, etc.) she could not submit an application. Finally, the firm proceeded to rephrase the notice of vacancy, which no longer included gender as a prerequisite condition for the post of director.

ii. Lack of transparency in recruiting journalists by municipal enterprises

A female journalist responded to an announcement by a municipal radio-TV station for the recruitment of journalists. She was not selected and filed a request asking to be notified about the minutes of the meeting and the criteria taken into consideration. There was no response to her request by the municipal enterprise.

The law stipulated that municipal enterprises recruit their fine arts specialists and teaching staff in accordance with the regulations concerning their personnel and, in any case, without adhering to the recruitment system stipulated by Law No. 2190/94 or Presidential Decree 524/1980. However, they are bound to comply with Article 3(7) of Ministerial Decision 25027/19.04.1984 (Official Gazette 244/B), according to which: "The Board of Directors ensures that public access to business procedures and operations is guaranteed through various measures, such as [....] public access to the procedure of personnel recruitment".

The Ombudsman confirmed the violation of the existing obligation for the transparency of procedures, because no specific and objective criteria had been established from the beginning, which would have become known to candidates as early as the invitation for candidates to submit their applications. On the contrary, the criteria were established after the candidates' applications had been submitted and a short time before the recruitment decision was made; they were also completely subjective, unclear and vague, and not subject to any substantial check. Furthermore, the criteria established are considered to contradict Laws No. 3304/05 and 3488/06 and, therefore, are not legitimate, given that they introduce direct discrimination on the grounds of age and family status, and probable indirect gender discrimination. Additionally, they also insult the dignity of candidates by focusing on youth, appearance and 'freshness', while the criterion of vocational training and proficiency is definitely considered to be of secondary importance.



1. The investigation of the complaint was concluded in 2008, before the creation of the Gender Equality Department; it is however included because it is considered representative of a very common type of in practice gender discrimination.

The Ombudsman requested that the legislative framework in force should be observed in regard to both the legitimacy of administration procedures and to the implementation of the principles of equal treatment and avoidance of discrimination.

The Region of the South Aegean responded by issuing a decision according to which the municipal station's decision was considered non-legitimate. The Ministry of the Interior, because of the Ombudsman's intervention, issued a circular (65336/29.12.2008) requesting that Public Utility Companies and their enterprises should be notified about the obligation to implement the principles of equal treatment of men and women, regardless of racial or ethnic origin, religious or other convictions, disability, age or sexual orientation, in regard to access to employment, in accordance with the provisions of Laws No. 3304/2005 and 3488/2006. Specifically, the criteria for recruiting journalists should be specific and objective and should not introduce discrimination and should be known to candidates from the outset.

As a consequence, the municipal station amended the recruitment decision and proceeded to re-advertise the vacancy, taking into account the criteria in question.

iii. Maternity leave period not included in the calculation of length of service

Interested working women submitted an application to fill vacancies for fixed-term contracts as employees of Olympic Airways SA. The two applicants had been working for the company as seasonal employees since 1997 on fixed-term contracts. However, they were not included in the published provisional lists of successful candidates, because the time period they were absent on pregnancy – post-natal maternity leave was not included in calculating their previous professional experience. Consequently the two working women filed an appeal to the competent committee established for this specific purpose. The appeal was turned down. The rejecting decision stated that the committee was not competent to assess the recruitment criteria, without, however, clarifying the competent authority so that the interested parties could address it in regard to their appeal.

The Ombudsman underlined that maternity leave granted for reasons of pregnancy, birth and post-natal time, comprises a legitimate reason for suspension and not termination of the employment status. For this reason, the period during which the maternity leave is taken, is considered as time in actual employment in regard to all rights associated with the duration of employment and does not constitute a break in the employment status. In such cases, the employer pays the worker part of her remuneration for the time period stipulated. At the same time, the worker is subsidized by her social security and receives supplementary maternity benefits from OAED. The Ombudsman brought to the attention of the company the relevant circulars by the Ministry of Employment and Social Welfare as well as established ECJ case-law. Furthermore, it was underlined that, according to Law No. 3488/2006, any unfair treatment due to pregnancy or maternity leave in regard to employment access terms, including selection criteria and recruitment terms, is explicitly forbidden. It is also forbidden to use criteria or factors which result in direct or indirect gender discrimination.

The company's response to the Ombudsman was that the Supreme Council for Personnel Selection (SCPS – ASEP) was the competent agency to judge the legitimacy of the application of the two female candidates. Following this, the Ombudsman sent a document to ASEP requesting that the agency express its views on the issue at hand. In response, ASEP stated that the Committee responsible for the examination of appeals reached a sound judgment: its reasoning was not legitimate in part, but covered by the information contained in the file. To be specific, the fact that the documents submitted as proof of the time period during which the two candidate workers were absent on a

pregnancy, post-natal maternity leave were submitted with the appeal rather than with their original application in response to the relevant notice of vacancy, justified the rejection of their requests – in ASEP's judgment.

The Ombudsman judged that there was no scope for further mediation because the monitoring of notices of vacancy for recruiting personnel by public utility companies, pursuant to Law No. 3429/2005, is undertaken by ASEP and independent authorities do not fall within the competence of the Ombudsman in regard to their main operations. In any case, the ownership status of the national air carrier had recently changed due to the privatization of the company. Indeed, it was clear that, given that the imminent change was already known when the Ombudsman sent his first document, it was impossible from the outset to have his arguments substantially examined. This was so because the services of Olympic Airways to which the document had been dispatched had in essence ceased operations at that moment in time, as was confirmed later.

"Military Academy Candidates: An unequal equation"

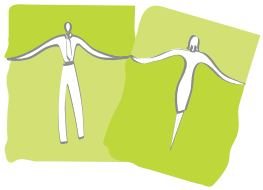
However, the Ombudsman made the general point that arose from the investigation of these two cases known to the competent Ministers, whose joint decision had in fact resulted in the relevant notice of vacancy being published. The Ombudsman asked the Ministries to amend the Joint Ministerial Decision in question as well as any similar Joint Ministerial Decision, adding the relevant subparagraph. It was recommended that this subparagraph should mention that, when a notice of vacancy stipulates as a recruitment criterion the period of previous professional experience, the period of maternity leave (pregnancy – post-delivery) as well as the special maternity protection leave be included when calculating previous professional experience. Such an addition should avert any such repetition of gender discrimination in future notices of vacancy.

iv. Discrimination in the requirements for admission to military schools

Citizens have reported incidents of discrimination against female candidates in the examinations for admission to military schools: the minimum height requirement was increased unfairly for men and women and, particularly, for women this increase was significant; common lower performance standards were established for athletic tests for both genders and, particularly, for shot-putting, women candidates were obliged to participate using the heaviest shot used by men shot-putters.

The Hellenic National Defence General Staff (HNDGS – GEETHA) stated that it is an imperative operational demand to have, to the extent possible, a common body type, which will allow executives of Superior Military Educational Institutes (SMEI – ASEI) and Superior Military Schools for Non-commissioned Officers (SMSNCO – ASSY) to face the tough training conditions and the conditions they encounter during all types of operations in times of war or peace. Furthermore, the Staff mentions that height was not stipulated in isolation and regardless of any other parameter, but it was combined with the newly introduced criterion of Body Mass Index (BMI).

The Ombudsman confirmed that:



- The asymmetrical increase of the minimum height requirement, which was increased ten centimetres for women and five centimetres for men, comprises direct gender discrimination, and, as such, it is explicitly forbidden by both European EU legislation (Directive 2002/73/EC) and national law (Law No. 3488/2006) and cannot be justified under any circumstances.

- The stipulation of common performance standards for athletic tests for men and women candidates for military schools constitutes indirect gender discrimination, which is also forbidden by the European EU(Directive2002/73/EC) and national law (Law No. 3488/2006). This discrimination lies in the fact that the initially neutral legislative stipulation of common minimum requirements, does not fairly respond to the potential of both genders, as confirmed by experts, but places female candidates at a disadvantage vis-à-vis male candidates. In any case, it is not adequately justified as an objective criterion which, on the one hand, serves a legitimate aim, such as, for example, ensuring the smooth operation of the armed forces, while, on the other hand, it is suitable, expedient and necessary for achieving the specific goal.
- For the same reasons, indirect gender discrimination is introduced by the use of the men's shot for female candidates. This view is corroborated by a document prepared by the Greek Olympic Committee of the Association of Hellenic Gymnastics Athletic Clubs (AHGAC – SEGAS), according to which "In classical athletics, the standards between men and women differ, since the physical capacities of the two genders differ. Even the throwing equipment used for official contest events differs".

The Ombudsman requested that GEETHA abolish the discrimination against women by returning to the previous minimum requirement in height and establishing minimum requirements for athletic tests that an average candidate of either gender can meet. The Ombudsman also requested that these actions should be undertaken before the tests in question take place for the admission of future students in the next academic year, i.e. 2009-2010.

GEETHA states that the issues brought to its attention by the Ombudsman cannot be resolved at the moment due to the fact that the relevant announcement for the selection of ASEI-ASSY students for the academic year 2009-2010 was already issued on March 23, 2009. However, GEETHA committed itself to review the issue after the end of the preliminary examinations, taking into account the conclusions of the Ombudsman.

v. A positive measure – Different age limits for the subsidisation of young self-employed persons

Two citizens whose applications for subsidies from OAED's programme for young self-employed persons were rejected filed a complaint with the Ombudsman that the age-limit for inclusion in the programme was 32 for men and 42 for women with underage children. The interested parties complained to the Ombudsman on the grounds of unfair treatment due to gender and family status. When their appeals were rejected, the competent OAED committee limited itself to reiterating the provision of the regulatory decision and did not refer to the specific rationale on the basis of which different age limits were stipulated for the two genders.

The Ombudsman was of the opinion that the age limit should, on principle, be the same for self-employed men and women, based on the principle of equal treatment for the two genders in regard to access to employment. However, the specific programme does not use exclusively gender criteria but gender in combination with one's activities as a parent, provided there are also minors involved. This is not legitimate if considered in the context of maternity protection, because, on the basis of the ECJ, special privileges conceded to women on the basis of activities that men might also exercise, as, for example, parenting, oppose the principle of equal gender treatment.

However, this more beneficial treatment of mothers with minors comprises a positive measure, aimed at restoring the inequalities created in practice for a category of persons. In accordance with the spirit of the constitutional principle of equality, with the provisions of Law No. 3488/2006 and with the recent case law of the State Council, this positive measure intends to compensate for the reduced possibilities women profession-

als with minors have to practice a self-employed profession. The necessity for adopting such a measure is based on research data, according to which a significant drop is observed in the employment rates of women who are mothers of underage children, while, on the contrary, the percentage for men who are fathers of young children is higher. Furthermore, there is a close correlation between the employment rate of mothers and the number and age of their children, which reflects the fact that women provide more care in regard to their children's upbringing and the needs of dependent family members.

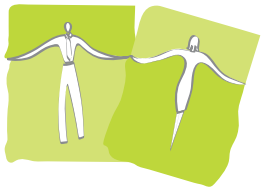
Nevertheless, the Ombudsman underlined that neither OAED's rejecting decisions at the first and second instance nor the joint ministerial decision defining the beneficiaries, terms and prerequisite conditions for the subsidy justifies specifically the exemption in question, so that it may, on the one hand, be considered a positive measure and, on the other, so that the expedient and necessary character of the measure may be assessed. Thus the exemption may be considered anti-constitutional by the competent courts. For this reason, the Ombudsman recommended that in future OAED should justify making such exemptions with specific and documented reasoning. OAED gave assurances that the difference in age limits stipulated in the regulatory provision had indeed been intended as a positive measure. The aim was to compensate for the reduced possibilities open to mothers who are professionals with minors to practice as self-employed professionals.

B. Sexual harassment - Reversal of the burden of proof

Four (4) complaints of sexual harassment were lodged directly with the Ombudsman, while another two (2) were forwarded by SEPE. Of these cases, two were not examined: one because a year had elapsed since the events that had been reported in the complaint and the other because the employee declared that she did not wish a continuation of the investigation into the complaint she had lodged with SEPE. Finally, three cases are being investigated. Indicatively, one of these cases is presented below:

A female employee reported to the Ombudsman that she had been sexually harassed by her employer; she had complained orally to the competent Department of Social Labour Inspection. Furthermore, she lodged a complaint with SEPE concerning outstanding amounts her employer owed her, which were later settled. Following a new communication with SEPE in regards to the sexual harassment complaint, a date was set for a tripartite meeting at the office of the competent SEPE Department. The Ombudsman asked to be represented at the meeting by the staff member handling the complaint in question and the request was accepted by SEPE.

In the time period leading up to the meeting at the office of SEPE, the Ombudsman wanted to gather as much evidence as possible about the case, because the evidence presented till then could not form the basis that would constitute a violation of the relevant provision forbidding sexual harassment (Law No. 3488/2006, Article 4(2)). The woman who had lodged the complaint was invited in writing to attend a meeting at the Ombudsman's office. During this meeting, a detailed report was made of what the employee had to relate about her employer's conduct in relation to her (daily questions and numerous comments about her love life, physical contact not befitting their professional relationship, etc).



After two postponements attributable to the employer, the tripartite meeting finally took place at the SEPE office, in the presence of the Ombudsman. Following

a proposal by the Ombudsman, a written reprimand was given to the employer about his future conduct towards his employees, informing him that any new complaint of a similar nature by any of his employees would be considered a possible sexual harassment incident, which would shift the burden of proof to the employer (Article 17, Law No. 3488/2006). The Ombudsman believes that the institutional cooperation between the two agencies had optimal results in this case.

C. Discrimination in remuneration on the grounds of good looks

The Ombudsman received a complaint about a private company providing services to exhibitors at Thessaloniki International Fair. The company gives clients-exhibitors the opportunity to choose from female product promoters who are 'simply attractive' or 'particularly attractive', being charged a different fee in each case, as proven by the relevant price list.

Such variations in remuneration violate the constitutional principle of equal pay for work of equal value and insults the dignity and personality of workers. However, if the discrimination is due to appearance rather than gender, it does not mean that treatment of workers of the male gender would be different in a similar situation. The Ombudsman underlined the legitimacy problems arising from the situation, but expressed the opinion that the conduct of the company does not constitute gender discrimination. On the contrary, the competent Department of Social Labour Inspection notified the Ombudsman that their Department had recommended that a fine should be imposed on the company organizing Thessaloniki International Fair, because it believed that there was a violation of equal treatment of male and female employees.

The company filed a case with the Administrative Court of First Instance alleging that Law No. 3488/2006 combats inequality between men and women regarding Labour Law but not possible conduct of a discriminatory nature towards employees of the same gender. The Administrative Court of First Instance rejected the application requesting that no fine be imposed. The case continues.

D. Discrimination in granting and during parental leave

i. Nine month parental leave to a father working under an open-ended employment contract

An employee on an open-ended employment contract at the Credit Management Fund for executing archaeological works lodged a complaint with the Ombudsman relating to his application requesting a nine-month leave with pay to care for his child, starting from the date of birth of the child. The reason given for the rejection was that "the leave in question was approved following the post-natal maternity leave". The employee was invited to submit a new application with the same request within three months of the birth of the child.

The Ombudsman observed the following 'vacuum' in the Code of Employees: there is no reference made to the onset of parental leave for reasons of child care in the case of a father, whose wife, as a self-employed person, is not entitled to maternal leave (pregnancy leave and post-natal maternity leave) nor child care leave. Law No. 3528/2007 does not define nor does the explanatory circular/ministerial directive explain the point in time when the father, whose wife is a self-employed person, may take the parental leave .

The Ombudsman asked the Credit Management Fund for executing archaeological works to proceed immediately to grant the leave requested and recommended that the Ministry of the Interior should fill the legal vacuum. The Board of Directors of the

Fund amended its previous decision and approved the special parental leave in accordance with Article 53(2) & (3) of Law No. 3528/2007, which is a nine-month paid leave. As for the Ministry of Interior, they communicated with the Ombudsman and announced that they are going to consider his views, and if more such cases concerning similar citizens' requests arise, they will examine the possibility of a legislative change.

ii. Three month parental leave to a father civil servant working as a teacher

A father who is a permanent employed teacher has two minor children from his first marriage and two minor children from his second marriage. He asked for a three-month paid leave for his fourth child, who is three years old. Legislation (Article 53(1) of Law 3528/2007) states that this leave is compulsory and it is given, with no need for an opinion to be expressed by a special council, in the case of caring for a child up to six years of age and the three month period is given with full pay in the case of the birth of a third child and any additional child. In par. 5 of the same article it is stated that in the case of separation, divorce, widowhood or a child being born out of wedlock, the parent who has the custody is entitled to the leave mentioned above.

The Directorate of Personnel of Secondary Education judged that "if the parent is divorced, he/she must have custody of his/her children born to the dissolved marriage, too. In case these children are of age, then the parent is not entitled to the leave mentioned above".

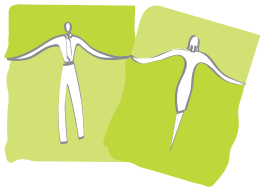
The Ombudsman stated that there were no grounds in the legislation or case law to support such an interpretation and underlined that the applicant is entitled to this leave since he fulfils the prerequisite conditions set by law, i.e. he has three (3) and more children, of which at least one is under the age of six (6) and the applicant has the custody of the child for which he is requesting leave.

The public administration reviewed the citizen's request and decided that he was entitled to three-month leave without pay. After negotiating with the interested party, this leave will be granted during the first term of the school year 2009-2010.

iii. Nine-month parental leave to a father civil servant working as a hospital employee

The case concerned a permanent hospital employee, the father of a baby who was born out of wedlock. This father had voluntarily recognised the baby and a court decision had assigned parental care to him. The mother of the minor and the applicant's partner is a seasonal employee (hotel business). The citizen in question filed an application to receive a nine-month leave and submitted the relevant certificate from the employer.

The Civil Servants Code (Law No. 3528/2007, article 53(2)) provides reduced daily working time for the parent employee, if s/he has children up to four years of age. If the parent does not make use of the reduced working hours' clause, s/he is entitled to nine months parental leave with pay. In the case of a child being born out of wedlock, the parent who has custody is entitled to the leave and benefits mentioned above, provided the wife of the clerk is employed or exercises a profession.



The Ombudsman confirmed that the employee had submitted a request for the

said leave as of May 2, 2008. The Hospital was late in forwarding the request to the Directorate of the Health Region of Crete, which asked for an opinion to be expressed on the issue by its legal advisor. The Legal Advisor's opinion was expressed, after a delay of several months and following mediation efforts by the Ombudsman, and the employee received on March 5, 2009 (10 months after the date the initial application had been submitted) a response requesting that he should prove once again:

a. That he provides parental care to the minor
b. The minor's mother is in employment

The Ombudsman informed the administration that since parental care had been assigned to the applicant by virtue of a court decision of the Single-Judge Court of First Instance, no further proof of such care was necessary. The citizen then presented a certificate from the employer that the minor's mother was to be in employment from May 15, 2009 until and including October 30 2009. The hospital administration accepted the recommendation by the Ombudsman and gave the applicant 170 days of parental leave, i.e. during the period of time the child's mother is employed.

Consequently, the hospital, in cooperation with the Ombudsman, addressed a question to the competent service asking whether in the case of seasonal employment of the minor's mother, the father is entitled to receive the nine month leave in parts during the periods the mother is working, and if, in this case, the remaining period of 3½ months could be granted to the applicant during the next employment period of the minor's mother. The Ministry's response is pending.

iv. Travel allowance to Local Government (OTA) employees during the period of parental leave

A female employee at the Musical Organisation of the Municipality lodged a complaint with the Ombudsman reporting that the Musical Organisation asked her to return the amount of money she had received as travel expenses during the period the worker was absent due to the nine-month child care leave she was making use of. The reasoning was that the nine month child care leave is not included in cases of leave during which travel expenses are not curtailed.

When investigating the case, the interested party also brought to the attention of the Ombudsman that her service had informed her, additionally, that she was not entitled to travel expenses if she wanted to make use of the privilege of a three-month leave for the care of a third child. Queries regarding the curtailing of travel expenses during the nine-month and during the additional child care three-month leave were also brought to the attention of the Ombudsman both through telephone communication with mothers and fathers employed by OTAs and through a complaint lodged by another municipal employee in regard to the curtailing of travel expenses during the use of the three-month paid leave for child care.

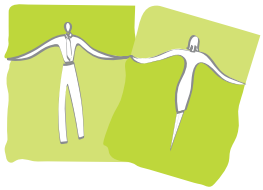
The law stipulated that "fixed travel allowances are not paid for the period of time employees are absent from service. There is no curtailing during the regular annual leave of those entitled to it, during pregnancy and post-natal maternity leave and during leave for trade-union purposes, with the exception of cases when eligible trade unionists travel and they receive their daily compensation and travel expenses".

The Ombudsman determined that travel expenses, which are paid to all regular Local Government employees without any special criteria or prerequisite conditions, have acquired the character of a single regular allowance, paid monthly as a salary supplement, and their maintenance during certain established leaves had already been provided; therefore, curtailing such allowances during the paid parental leave was not justified.

When an employee is absent in order to exercise the legal right to child care, this absence may not be considered unjustified so as to lead to curtailing remuneration. Furthermore, the period of paid leave, in the case at hand, both the nine-month leave and the additional three-month child care leave is considered to be service time for any reason, according to the provisions of the Civil Servant Code, in accordance with Laws No. 3584/2007 and 3205/2003, which also apply in the case of men and women working on open-ended contracts at Local Governments. According to Law No. 3488/2006, as well as a series of legislative regulations, both at the national and the European level, t is not allowed to curtail travel expenses in the case of Local Government employees when they are absent for child care purposes, which, in any case, constitutes unfair treatment in accordance with the provisions of Law No. 3488/2006.

The Ombudsman, by virtue of document No. 16615/2007/27.08.2008, requested that all necessary measures be taken for the controversial decision to be revoked, so that no travel expenses may be demanded for the time period of absence due to child care. The Ombudsman also requested that joint decision No. 2/50025/0022/3.10.2006, taken by the Minister of the Interior and the Minister of Economy and Finances, should be amended so that travel expenses may be maintained as part of OTA employees' pay, while they are making use of their right to paid parental child care leave. The Ombudsman also asked for clarifications concerning any actions that might have been undertaken to resolve the issue of the female employee in regard to the time period before the new regulation comes into force. The Ombudsman has also asked the competent authorities to clarify if they have any intention of extending the new regulation to other periods of paid parental leave , such as the additional three-month child care leave.

The public administration responded by adopting a new regulation. To be specific, the new joint ministerial decision (2/95080/0022/29.12.2008) amends the controversial provision and explicitly stipulates that, as of July 1, 2008, there is no curtailment of travel expenses during the nine-month child care leave or during the sick leave provided by the provisions of Article 61(2) of Law No. 3584/2007. Additionally, the new regulation is applied in the case of the personnel employed by OTAs on contracts under private law. This became possible when, on January 27, 2009, a supplementary collective employment contract for the year 2008 was signed by POP-OTA.



3.2. Cooperation with the Greek Labour Inspectorate

Law No. 3488/2006 (Article 13(8)) establishes for the first time an institutionalised cooperation scheme between the Ombudsman and SEPE. Local labour inspectors are obliged to notify the Ombudsman about the complaints they receive that concern issues of gender discrimination at work and to submit the results of their inspection. Additionally, the Ombudsman is given the competence to proceed with its own investigation and to draw the final conclusion in regard to the complaint reported. SEPE, however, remains the competent body to impose administrational penalties provided or to take recourse to court for the imposition of criminal penalties.

The ultimate objective of this cooperation is for the latter to operate as an effective out-of-court route to combat discriminatory treatment at work. Pursuing this route is of the utmost importance, considering the low number of actions-complaints regarding discrimination issues that are taken to Greek courts. This number does not reflect the absence of discrimination, particularly in Greece, but indicates the fact that workers who suffer discrimination are unwilling to take the case to court.

The cooperation between the Ombudsman and SEPE is equally new to both parties. The law significantly expands the field of their jurisdiction, to a scope that was completely unknown in the past. Therefore, it is not surprising that several questions have arisen regarding the practical implementation of specific legal provisions. Furthermore, the questions that have arisen are explained by the fact that, when it comes to gender discrimination issues, it is often quite difficult to reach a certain conclusion as to whether the actual incident constituted an act of discrimination; furthermore, some complaints, particularly those concerning indirect discrimination and harassment, touch upon very sensitive aspects, the investigation into which becomes both complicated and problematic. Even when it is judged that discrimination did take place, it is not always easy to find the exact way of proving it.

In most of the cases when there was substantial cooperation between the two agencies, this has proven particularly effective for workers. However, there have been a number of cases when such cooperation was non-existent on the substance of the matter and which showed that much more can be expected from the synergy provided through this cooperation.

The overwhelming majority of complaints lodged with SEPE were not forwarded to the Ombudsman, in violation of the explicit legal provision (Article 13(8)). Part of the lack of notification to the Ombudsman might be due to the fact that numerous complaints lodged with the Labour Inspection and concern gender discrimination at work are not recorded as such and, therefore, are not examined under the specific institutional light. However, omissions in case notification are so numerous that such an explanation can only partially be justified. In any case, whatever the actual reasons for this deficient notification, it is proven once again that it is necessary to improve the cooperation between the two agencies. In order to do so, the Ombudsman is soon to take action based on specific initiatives.

Furthermore, when SEPE complies with their obligation to notify the Ombudsman, it is important to observe institutional stipulations for immediate notification of the latter much more strictly. When such notification does not take place as rapidly as possible, the complex character of joint jurisdiction ends up contributing to further delays instead of working to the benefit of workers (for the more effective protection of whom it has been provided, given the long delay noted in the issuance of court decisions).

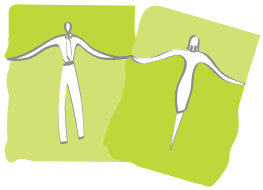
Additionally, the provision stipulating that the competent Departments of Social Inspection should examine the complaint and notify the Ombudsman about the inspection results is often not adhered to, since in most cases, the complaint is simply forwarded

to the Ombudsman without any substantial action having taken place to investigate the matter. Finally, although there is often some degree of laxity on the part of senior executives when addressing the new competencies of SEPE, there is great interest shown by the social labour inspectors who have no authoritative powers, as well as by the regional departments, outside Attica. Unfortunately, however, this interest is hardly reflected at the action level in most cases, because there is reluctance to enforce the law more effectively, since there is a lack of similar initiatives by those in senior positions.

> “Few cases of cooperation but with positive outcomes”

The Ombudsman estimates that, currently, there are two important shortcomings. If these are tackled, cooperation with SEPE will become more effective and substantial in the future investigation of complaints, which constitute a field of their joint jurisdiction. Firstly, the practical aspects of this cooperation have not, as of yet, been standardized through circulars of instructions; this has created a vacuum and has led to confusion at the local Departments of Social Inspection in regard to the particular parameters of cooperating with the Ombudsman. Additionally, it is necessary to clarify the new competencies assumed by SEPE, particularly in the framework of its previous competencies, so that the protection context stipulated may be ensured faster and more effectively. The Ombudsman is soon to take an initiative to issue a circular.

The second shortcoming observed – the Ombudsman is to take action to correct this situation at a later point in time – concerns the training of social labour inspectors on gender discrimination issues. This training should take the form of seminars comprising a theoretical and a practical part. The immediate goal of such training would be for inspectors to become more aware of institutional regulations and of the relatively new concepts concerning discrimination issues, as this would facilitate their work and they would be in a position to take full advantage of the institutional options available. The ultimate goal would be for the cooperation between the Ombudsman and SEPE stipulated by the law to operate in the most effective manner in practice and to further develop.

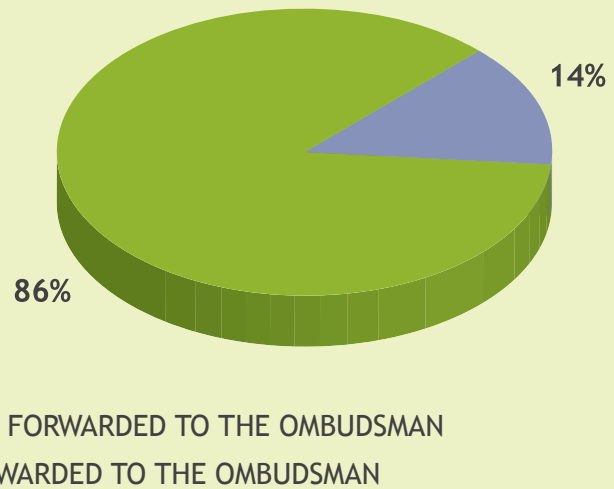


Complaints about gender discrimination lodged with the Labour Inspectorate

The Labour Inspectorate has informed the Ombudsman that during 2008 and the first half of 2009 they received a total of 49 complaints about gender discrimination issues. Most of these were not reported to the Ombudsman. The majority (32) of complaints concerned dismissals and of these, 26 were dismissals of pregnant women. Furthermore, five cases of women workers were reported, who were dismissed during the time they fell within the scope of maternity protection provisions, while one worker was dismissed during the time period she was receiving fertility treatment. Of the remaining 17 complaints, 3 concerned discrimination based on remuneration and 2 concerned sexual harassment. Finally, one complaint concerning each of the following reasons has been lodged: unfavourable change in working conditions due to pregnancy notification, no maternity leave given, refusal to give childbirth allowance, discrimination in allowing breaks, discrimination in regard to career development.

Table 9

COMPLAINTS LODGED WITH SEPE



The number of cases where SEPE's mediation was successful (i.e. led to the rehiring of the worker or abolished discriminatory treatment) is slightly higher than the number of cases when SEPE recommended that the worker should take recourse to civil courts, considering that the case required investigation by the latter. Furthermore, in five cases, a complaint was lodged with the Public Attorney of the Court of Misdemeanours so that the latter may further investigate the case and in two of these cases a fine was imposed. Finally, in three cases, the complaint was withdrawn by the worker or the evidence presented by the worker was inadequate, whereupon the investigation into such complaints was terminated.

REASON FOR COMPLAINT	OUTCOME OF COMPLAINT CASE	NUMBER OF WORKERS	CASE FORWARDED TO OMBUDSMAN
(Total number of complaints)	(for 44 of the 49 complaints)		(for 44 of the 49 complaints)
Dismissals (total): 32 *Dismissals (specific cases):*	Successful mediation: 19	-One-person enterprise: *6 complaints*	*Forwarded:* *7 complaints*
Pregnant women: 25		-Up to 10 employees:: *21 complaints*	*Not forwarded:* *37 complaints*
Workers falling under the maternity protection provisions: 6	Recourse to civil courts: 17	- 10 to 50 employees: *10 complaints*	
Dismissal during fertility treatment: 1	Fine imposed: 2	- 50-100 employees: *6 complaints*	
Slander: 5	Complaint submitted to SEPE: 5	- Over 100 employees: *6 complaints*	
Pay discrimination: 3			
Sexual harassment: 2			
Unfavourable change of working conditions due to pregnancy notification: 2	Investigation terminated due to withdrawal of the complaint by the worker or because of i nadequate evidence: 3		
No maternity leave granted: 1			
Refusal to give childbirth allowance: 1			
Discrimination due to family status: 1			
Discrimination because break was refused: 1			
Discrimination in career development: 1			

2. For five of the complaints submitted at the Labour Inspectorate SEPE, we have not been kept posted with regard to their outcome, nor have we been informed whether they were dispatched to the Ombudsman or not, in spite of our explicit request. Had these five complaints been included as well, the total of complaints mentioned in the column "Outcome of the complaint" (51), would have been higher than the total number of complaints (49); this is so because some complaints (namely two) could result in both the complainant and the Labour Inspectorate filing a lawsuit in court.

3.3. Report on the gender pay gap

In response to the questionnaire forwarded by the European Commission to national agencies relating to gender equality, in view of the meeting in December 2009 in Brussels, the Ombudsman collected data both from the public agencies involved (General Secretariat on Equality, Ministry of Employment, SEPE, etc) and from the most representative social partners (GSEE, SEV, ESEE, etc). The Ombudsman then processed the data submitted by these agencies, studied the relevant literature and prepared the report sent to the European Commission in September 2008.

Statistical Data on gender inequalities in remuneration

The National Statistics Agency of Greece calculates the "gender pay gap" index on an annual basis. This index is defined as the difference in average hourly gross pay of men and women, which is derived from their work as employees; the difference is expressed as a percentage of the hourly gross income of men. The last published estimate of the index described above concerns the year 2005 and amounts to 9%. In the year 2006 the "gender pay gap" index in Greece was estimated at 10% by Eurostat.

According to the data of a recent survey, 60% of employees with a monthly income under 750 euro are female, either permanently or temporarily employed. Of the employees receiving a salary under 500 euro, a total of 75% are female. Indeed, in the case of those receiving the salary mentioned above who are also temporarily employed, 80% are female. Furthermore, of those receiving a salary under 500 Euros who are also temporarily employed, two-thirds are female.

Additionally, employed females represent: 42% of the total number of employees, 41% of those permanently employed and 50% of those temporarily employed. Finally, three of the four persons who are employed part-time are female. In brief, despite the mass influx of females into the labour market in the last 25 years, their overall vocational status is worse than that of males: their employment indices are lagging behind, their unemployment rates are higher and they are preferred for partial and temporary employment posts – which, in any case, they often choose themselves, for reasons to be presented below. Furthermore, females are heavily employed in the black economy, while, according to a 2002 survey, about half a million females in Greece work under conditions not recorded in statistics, taxation or legislation, e.g. in family businesses or non-declared employment.

3. Hellenic Statistical Authority (EL.STAT.) March 2007, Press Bulletin.
4. Kritikidis G. research under publication at "Enomerosi INE GSEE" (Journal of the Research Institute of the Greek Confederation of Labour) containing statistical data of the first term of 2008.
5. Yannakourou, M. & Soumeli, E. "Equal pay between men and women in collective bargaining" Research Centre for Gender Equality (KETHI), 2002.

Direct discrimination against women in remuneration has been eradicated. Salary discrepancies are observed almost exclusively in the private sector, mainly in cases when remuneration exceeds the basic salary of collective labour agreements and in case of small enterprises. In the latter, the remuneration structure is not always transparent and, furthermore, there is no trade union action; besides, workers are reluctant to assert themselves, since they fear dismissal.

> “Gender discrepancies in remuneration in the private sector”

In order to interpret the salary differences between the genders, specific determining factors have been studied, the most important of which are the following:

- *Gender segregation of employment* (in certain vocational sectors one gender prevails; it has been observed that men comprise the overwhelming majority among vocations that offer higher pay) as well as *vertical vocational segregation* (women are more numerous in jobs of low specialization and responsibility).

- Different *educational choices* of the two genders in regard to the cognitive field and their later specialization: women tend not to choose certain vocations of those that are considered ‘men’s’ vocations, which, however, are associated with high pay.

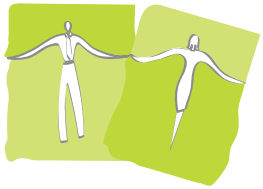
- *Gender differences in regard to previous experience*, due to the fact that women interrupt their employment more frequently and for longer periods of time when a dependent family member (e.g. a child or an elderly person) needs care.

- Specific *employer’s practices and collective negotiations*, which are often influenced by social views supporting the higher value of men’s work.

- *Individualised pay systems* for employees; these often exist at enterprises and are based on performance or other factors, most usually non-transparent or/and subjective, which goes against the principle of equal pay for work of equal value and has often been shown to work in favour of men. Furthermore, the standard systems for workers’ assessment as well as the promotion of some as opposed to others often lack transparency. Additionally, women are under-represented in the agencies participating in collective bargaining agreements, while the trade union power of workers in sectors where the majority of those employed are women is limited; besides, *collective negotiation* has done little to promote equal opportunities for men and women.

- Finally, numerous violations of labour law should be mentioned as well as *phenomena of labour market deregulation*, which results in undermining the operation of the labour market and the calculation of pay, in general, and the gender pay gap, in particular.

Generally speaking, the Greek institutional framework in regard to equal pay for the two genders is complete and harmonized with EU and international law. What is problematic is the implementation and observance of the law and, ultimately, inequality arises in practice, mainly due to the lack of transparency in the pay policy of enterprises, which is shaped outside the context of collective bargaining agreements.



To this effect, the Ombudsman proposes the following:

- *Enterprises* should be encouraged *to prepare a report* that will present their employees' male to female ratio, the position in the hierarchy scale, the level of pay, promotions or any other form of career development for the two genders; enterprises should also be encouraged to commit to improving these ratios on an annual basis.

- *Pay should be improved* for vocations where the predominant number of employees is female, through collective bargaining agreements, as well as through supporting, particularly, the lowest pay, as a means to prevent pay inequalities at the expense of women.

- *Vocational guidance should contribute towards eradicating* stereotypes in the segregation of vocations into "men's" and "women's". This way, women will not be reluctant to proceed with educational choices that lead to vocations with high pay, posts very few women hold.

- *Infrastructure and care services for children and the elderly should be developed and improved*, so that women may interrupt their vocational activity less frequently and for shorter time periods. This development will also reduce women's preference for partial and temporary employment.

- *Women's reintegration into employment following an interruption*, such as maternity leave, should be facilitated, with initiatives that can be taken by social partners (e.g. retraining seminars, options allowing flexible working hours).

- *Commonly accepted principles should be shaped* in regard to individualized pay or subjective/non-transparent assessment systems, which ultimately lead to pay inequality.

Finally, a long-term goal, and one much more difficult to achieve, should be to fight the high number of labour law violations, many of which have to do with equal pay, through the substantial empowerment of SEPE, the competent public agency that controls the application of labour law provisions.

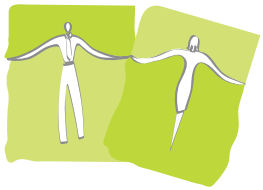
3.4. International representation and events

As of May 2008, the Department for Gender Equality of the Ombudsman has been participating in the network of independent gender equality bodies. The network has been in operation since December 2006, under the auspices of the European Commission, and, specifically, the Directorate-General for Employment, Social Affairs and Equal Opportunities. The Department for Gender Equality has participated in two meetings of the network: in December 2008 on the issue of pay inequalities between the two genders and in March 2009 on the issue of equal treatment between the two genders in regard to accessibility to goods and services (Directive 2004/113/EC).

Before the December 2008 meeting a questionnaire had been forwarded to national agencies about pay inequality between the two genders, in the context of which the Ombudsman had undertaken a survey and prepared a report (see above). At the meeting it was mentioned that there would be an overall evaluation by the Commission, on the basis of the data collected from the national agencies that had completed the questionnaire.

Furthermore, the Department for Gender Equality participated with a speech/ presentation or was represented in a series of related events. Among them were the following:

- Seminar on the topic "Evaluation of the effectiveness of the current legislative framework concerning equal pay for equal work or for work of equal value in tackling the gender pay gap", organized in Brussels by the European Evaluation Consortium 2007 (19.3.2009).
- Training Seminar organized by the General Secretariat for Equality and the National Centre for Public Administration and Local Government (NCPALG – EKDDA), entitled: "The integration of the principle of equality among top executives in the public sector" (Ioannina 19-20.1.2009 and Thessaloniki 21-22.1.2009).
- Meeting to get to know the representatives of Non-Governmental Organisations active in the sector of gender equality and women's rights protection. The meeting was held at the Ombudsman's office in Athens with the participation of the personnel and the Deputy Ombudsman, responsible for the Department for Gender Equality; they informed the NGO representatives on the object of the Ombudsman as an agency monitoring the principles of equal treatment of men and women in regard to issues concerning labour and employment, the agency's activities so far and future prospects in this field (16.12.2008).
- Conference organized by the Slovenian Ombudsman on Human Rights to celebrate the 60th anniversary of UN's Universal Declaration of Human Rights; the meeting was held in Ljubljana (10.12.2008).
- Training seminars organized by the General Secretariat for Equality and the National Centre for Public Administration and Local Government entitled: "Integration of the gender aspect in public administration"; the meetings were held in Athens so as to provide training for General Directors and Directors of Ministries (25.11.2008 & 17.12.2008).
- Seminar organized by the European Commission in cooperation with the European Network of Legal Experts on Gender Equality and the European Network of Experts in the Law against Discrimination; the title of the seminar was: "How to address discrimination across all grounds and share experience between different groups of discrimination" and it was held in Brussels (November 25, 2008).
- Two-day seminar of Equinet titled "How to understand multiple discrimination and how we can work to tackle it" and held in Rome (9-10 October, 2008).



- Provision of information on the action taken by the Ombudsman as an agency monitoring the implementation of the principle of equal treatment for men and women concerning work and employment issues, to the Committee for Women's Rights and Gender Equality of the European Parliament, following the committee's request to this effect. The information was used in view of the resolution for transposing and implementing Directive 2002/73/EC, approved by the European Parliament on January 15, 2009 (see relevant box).
- Training day-meeting entitled "Equality issues and the role of the Citizen Service Centres (CSCs – KEPs)", co-organised by the General Secretariat for Equality and the National Centre for Public Administration and Local Government in Thessaloniki. During the day-meeting it was announced that KEPs' jurisdiction is to be extended to include equal opportunities and equal treatment of the two genders in employment, education, entrepreneurship and other sectors, which is to be supported by the "Administrative Reform" Operational Programme of the Ministry of the Interior (26.9.08).
- Pan-European day-meeting organized in Athens by the Association for Women's Rights titled: "Gender Equality and Fighting Sexual Harassment: EU Policies". The Deputy Ombudsman, responsible for the De partment for Gender Equality delivered a speech entitled: "The Ombudsman's role in fighting sexual harassment at work" (9.6.2008).

Resolution of the European Council concerning the transposition and implementation of Directive 2002/73/EC on the implementation of the principle of equal treatment for men and women in regard to access to employment, vocational training and promotion and working conditions (January 15, 2009) - extract

"The European Parliament:
...
1. Calls on the Commission to carefully monitor the transposition of Directive 2002/73/EC as well as compliance with the legislation arising from this transposition, and to continue to exert pressure on Member States; stresses the need to make available adequate resources to achieve these objectives;
...
13. Urges Member States to develop capacities and ensure adequate resources for the bodies promoting equal treatment and equal gender opportunities provided for in Directive 2002/73/EC, and recalls the Directive's requirement of ensuring the independence of those bodies;
...
15. Welcomes the Commission's intention to conduct a study on the organisation of equality bodies in 2009; invites the Commission and the Member States to gauge the degree of knowledge of EU citizens of the services offered by equality bodies, and to launch information campaigns to make these bodies better known;
..."

Findings and Proposals

A. Findings

i. European legislation on gender equality and its transposition into Greek law

1. Greece delays transposition of EU Directives on equal treatment of men and women into domestic law

Greece is slow in integrating EU Directives as a whole (it ranks 27th among Member States) including the integration of Directives concerning equal treatment of men and women. The Ombudsman underlines that Law No. 3769/2009, which integrated Directive 2004/113/EC, was passed a year and a half (1/7/2009) after the deadline for its integration had expired (21/12/2007). The Ombudsman also expresses his concern about the fact that the transposition deadline for the 'recast' Directive 2006/54/EC – including the extension period that member states were entitled to request – expired on August 15, 2009, without submission of any bill of law. However, the draft bill had been completed by the competent law-preparing committee as early as June 2008.

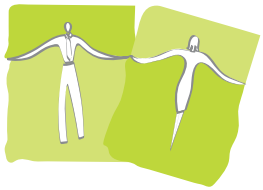
2. The tools - legislative and others - provided by the European Commission to the Member States are sufficient and Greece ought to make use of them

During the period covered by this report, the work of the European Commission has developed along three axes: a) examining the progress achieved in gender equality since the 2006-2010 road map was first implemented and until its interim evaluation; b) bridging the pay gap between the two genders, and c) adopting a group of measures to reconcile private and professional life.

a. In the whole of the European Union, progress is slow, while the creation of more jobs for women is not accompanied by the effort to improve the qualitative character of such jobs. Greater dedication and more substantial commitment on behalf of national governments are required for the realisation of the Road Map priorities. As for Greece, the Road Map is a promotional tool for the country to proceed with far-reaching changes in the sector of gender equality and it should be used as such.

b. The gender pay gap remains high and it is combined with the presence of women in temporary and risky low-paid jobs. It should be noted that in Greece the gender pay gap is more than 20%, exceeding by far the European Union average (17%). This fact should be of constant concern for the government, social partners and enterprises, as an indicator of not only unequal treatment of one gender, i.e. women, but of further degradation of the value of women's work. The recent campaign to inform and raise awareness launched by the European Commission on gender pay gap is a starting point for dialogue and for undertaking specific actions.

c. There is a positive response to the proposals made by the Directives aiming at the improvement of the status of maternity leave (revision of Directive 92/85/EC) and parental leave (revision of Directive 96/34/EC) and the extension of the minimum maternity leave under Directive 92/85/EC for self-employed women and assisting spouses (revision of Directive 86/613/EC). These legislative measures, combined with substantial improvement of struc-



tures and services for child and elderly care by the State as well as honest social dialogue for their adaptation to the particularities of each sector and, probably, certain enterprises, can facilitate the reconciliation of private and professional life in Greece, with equal conditions for men and women. They can also strengthen the economic independence of women, which is seriously affected by the recession.

3. The European Court of Justice contributes through its decisions to the protection against gender discrimination

The fact that the European Court of Justice further extends protection against dismissal during pregnancy provided by EU Law– by characterizing the dismissal of a woman worker at the advanced stages of assisted reproduction treatment as direct gender discrimination (Mayr, Case C-506/06 [2008] p. I-8511) – is viewed positively. The ECJ holds pace with modern social reality and proceeds to an in rem interpretation of the principle of gender equality. Based on such interpretation, it is obvious that the new or changing aspects of social life that need to be legally regulated fall within the field of implementation of the relevant European Directives.

ii. Problems and positive aspects from the implementation of Law No. 3488/2006

4. Law No. 3488/2006 is a significant innovation for Greece, with numerous benefits for workers and prospective workers

Law No. 3488/2006 has generally been of benefit to workers, extending their protection against gender discrimination with regard to access to employment, as well as the establishment, operation, development and termination of the employment relationship. From the complaints the Ombudsman has investigated, it concludes that the provisions that have had a substantial impact on fighting gender discrimination, with regard to access to employment and workplace conditions are those that:

- Define the concepts of direct and indirect discrimination
- Expand the scope of implementation of Law No. 3488/2006 to any type of work contract or form of employment, with a common attitude towards both the public and the private sector
- Consider discrimination due to pregnancy or maternity leave as gender discrimination
- Prohibit refusal to hire due to pregnancy or maternity
- Prohibit unfavourable treatment of workers due to maternal leave
- Prohibit any acts of retaliation (dismissal, unilateral unfavourable change of working conditions) against a worker who filed a lawsuit in court or to a competent authority (Ombudsman, Greek Labour Inspectorate) or testified as a witness in a case of unfair gender treatment.

5. The provision on reversal of the burden of proof proves to be difficult to implement

The actual implementation of the reversal of the burden of proof in procedures before the Ombudsman is exceptionally difficult, given that there is no relevant experience. It seems that lawyers ignore the existence of such a provision and they do not invoke it in court; besides, no court decision has been recorded that is based on this provision for the procedure of proof.

6. Absence of a broader culture of equality in Greek society and Greek enterprises makes law implementation difficult

The overwhelming majority of Greek enterprises are small and family-owned and operate on the basis of traditional social stereotypes for gender roles and their distribution in the sphere of work and family life. Generally speaking, Greece, as well as other members of the European south, needs more time than the EU member states of North and Central Europe to assimilate the new attitude in the fight against discrimination – including gender discrimination – which is being promoted by the European Union through legislative and other measures. This gap is growing due to the increasing number of European law provisions. Indeed, several of the new concepts introduced by legal provisions have not been interpreted by the European Court of Justice (e.g. sexual harassment, gender harassment, goods and services), which means that they remain vague and are difficult to interpret at national level.

7. The absence of case-law from Greek civil courts and the absence of official data concerning court decisions published annually makes it difficult to implement the law

It should also be added that for most issues falling within the regulatory field of Law No. 3488/2006 (and, therefore, Directive 2002/73/EC) there is no case law, which makes the implementation of this law more difficult to interpret. It should also be underlined that there is a lack of statistical data concerning the number and object of court decisions on matters of equal treatment of men and women that are published or pending on an annual basis.

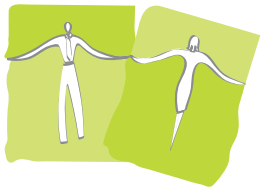
8. Workers and employers have not been adequately informed about the rights and obligations deriving from Law No. 3488/2006 and Directive 2002/73/EC; This is reflected in the questions and complaints received by the Ombudsman and from its communications with both parties

9. Citizens are not aware of the new competency or the services of the Ombudsman in relation to gender discrimination issues

Several workers, whose complaints were forwarded to the Ombudsman via SEPE were not aware of the possibility to address the Ombudsman in regard to such issues. Indeed, they do not know about the cooperation the law provides between SEPE and the Ombudsman for resolving as many of these complaints as possible extra judicially.

10. Citizens who are informed prefer their dispute to be resolved extra judicially

The number of complaints (230) received by the Ombudsman and the number of complaints handled by SEPE and not forwarded to the Ombudsman (37) in the period covered by this report compared to the estimated number of similar court decisions during the same time period, would prompt the following conclusion: workers prefer their case of unequal treatment to be resolved out of court rather than in court. This might be due to the high cost a court case entails, the emotional burden a court dispute causes or the need to find an immediate and substantive solution to issues arising from one's daily working life, such as a bad relationship with one's employer, deteriorations in working terms and conditions or even harassment by colleagues. This confirms the choice of the EU legislator to request the establishment of independent agencies to come to the aid of gender discrimination victims.



11. The short time limits for filing a complaint in court in cases of dismissals due to pregnancy prevent the Ombudsman from mediating effectively and force female employees to take legal action

This remark is valid for women workers whose employment contract is terminated while they are pregnant: initially these women contact either SEPE or the Ombudsman and then or simultaneously they also choose the judicial route. This happens because there is the three-month deadline for taking action before a civil court in case of dismissal due to pregnancy; this deadline is not suspended if the case is being investigated by SEPE or the Ombudsman. On the other hand, a court action creates a case of lis pendens (pending action) for the Ombudsman and obliges it to refrain from the investigation of the case, pursuant to the provisions of its law. When a working woman chooses the judicial route she loses the benefits of recourse to an independent mediation agency, since she is deprived of the extra judicial mediation of the Ombudsman, which is more immediate, totally without cost and, normally, faster. On the other hand, the Ombudsman often cannot substantively investigate the gravity of the reason the employer invokes to justify the dismissal, which means that the court has to decide.

12. Investigating complaints of sexual harassment encounters difficulty in finding evidence

It is very difficult to handle sexual harassment complaints out of court; they seem to be cases that often occur in small enterprises and the victims are usually women. Usually there is no evidence presented by the woman reporting the case and no witnesses. Therefore, the act or conduct reported is extremely difficult to evaluate in order to impose even an administrative fine.

13. The public administration has no knowledge of the special legislation on equal treatment of men and women

This leads to individual and general administrative measures that are not in accordance with EU (European) or national law concerning equal treatment of men and women. Such examples are the following: the minimum height requirements and athletic tests results in the admission examinations for military and police academies; the curtailment of expenses that have already been incorporated to the salary during the use of parental leave by Local Government employees; criteria in the announcements for recruiting journalists for municipal enterprises; omission of maternity leave period when calculating professional experience for recruitment of staff for a public utility company.

14. Non-Governmental Organisations do not lodge complaints on gender discrimination

Although three years have elapsed since the legislation came into force, no complaints have been lodged with the Ombudsman by Non-Governmental Organisations (NGOs) active in the field of gender equality. Certain NGOs have shown interest in actions subsidised by the European Commission – through the Ministry of Labour – aiming at raising public awareness at the workplace. On the other hand, several NGOs are active with regard to issues of family violence, family law or the participation of women in decision making, which lie outside the field of the Ombudsman's competence.

15. The foundations have been laid for cooperation between the Ombudsman and trade unions with regard to law implementation

The Ombudsman has received complaints by the Hellenic Federation of Bank Employee Unions (HFBEU–OTOE), the Federation of Secondary School Teachers of Greece (FSSTG – OLME) and the Union of Workers at ERGOSE SA (Hellenic Rail-Constructions Branch) and interventions by GSEE supporting complaints lodged by citizens exempted from the additional maternity protection benefit. It is necessary that all trade union agencies, whose members or other workers file complaints about violations of their labour rights, cooperate with the Ombudsman when these cases fall within the Ombudsman's competence. Today, several of these cases never reach the Ombudsman, either because there is no information about its role, or because the trade unions choose to exercise pressure by themselves to resolve workers' disputes related to gender discrimination.

16. The Ombudsman's cooperation with competent governmental agencies has progressed in a satisfactory manner

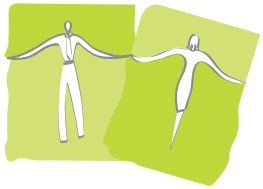
During the period covered by this report effective communication has been developed between the Ombudsman and governmental agencies responsible for the promotion of the principle of equal treatment between men and women, i.e. the General Secretariat for Equality and the Gender Equality Department of the Ministry of Labour. This communication took place by forwarding citizens' complaints to the Ombudsman , through meetings so as to jointly handle problems, via the Ombudsman's participation in training seminars for public administration executives, through the exchange of data for the preparation of national reports to be submitted to international organisations and networks, etc. The Ombudsman expresses its satisfaction for cooperation with co-competent ministries working in parallel with it to promote the principle of equal treatment between men and women.

iii. Cooperation between the Greek Ombudsman and the Greek Labour Inspectorate (SEPE)

17. The cooperation between SEPE and the Ombudsman is not systematised and its implementation method has not yet been specified

- Through the enforcement of Law No. 3488/2006 there is for the first time an institutionally active structure for cooperation between SEPE and the Ombudsman. The goal of this cooperation is to operate as effective extra judicial means to restore equal treatment of men and women at the workplace, given the fact that, in Greece, discrimination victims are reluctant to go to court. This scheme is dictated, firstly, by the need to take advantage of SEPE's wealth of experience over many years in investigating various complaints, undertaking checks and resolving labour disputes and, secondly, by the significant experience the Ombudsman has acquired from its work against discrimination in the public sector.

- This is the first time SEPE and the Ombudsman have cooperated. The law significantly expands SEPE's field of competence into areas that were totally unknown to social inspectors in the past. Therefore, it was to be expected that several issues would arise during the implementation of the law. The questions that have arisen can also be explained by the fact that in cases of gender discrimination it is often particularly difficult to draw a conclusion as to whether there was discrimination or not. Furthermore, certain complaints, in particular those concerning harassment, touch upon very sensitive aspects, the investigation of



which is complex and difficult. Even if it is judged that there is discrimination, this is not always easy to document.

- Taking the above into consideration, it could be stated that in most cases forwarded to the Ombudsman, cooperation between the two agencies so far has been smooth; however, there is still room for development and improvement. The Ombudsman believes that at the moment there is no substantial synergy between the two agencies and it should be established. For example, the Ombudsman considers it important that SEPE should always observe the institutional stipulation of Article 13(8) for immediate notification of the Ombudsman about relevant complaints submitted to SEPE. The fact that 85% of complaints about gender discrimination lodged with SEPE were not communicated to the Ombudsman is not only a violation of Law No. 34488/2006, but negates it in practice. This omission raises the issue of negligence by the Central Agency in the supervision of Regional Directorates and Departments, which should be redressed immediately. Also, the provision itself is not always correctly implemented; according to it, the competent Department of Social Inspection investigates the complaints and notifies the Ombudsman about the results of the inspection carried out – in several cases the complaint is just forwarded to the Ombudsman without any investigation. This is systematically the case sexual harassment is reported.

- One example of constructive cooperation between SEPE and the Ombudsman was the case of imposition of an administrative fine on an employer who dismissed a pregnant employee after treating her unfavourably her pregnancy, following a proposal by the Ombudsman. Exemplary cooperation also took place in the recent joint investigation of the employer and the female employee by both SEPE and the Ombudsman, following a sexual harassment complaint by the woman. As the worker did not submit sufficient evidence, both agencies prepared a written warning to the employer that if similar complaints were made about him in the future, it would be assumed that he conducted himself in the manner reported by the employee – by virtue of the provision of reversal of the burden of proof – with all the legal consequences this could have.

- The Ombudsman estimates that, currently, there are two important shortcomings; if these are tackled, cooperation with SEPE will become more effective and substantial in future investigations into complaints, which fall within the field of their joint jurisdiction.

Firstly, there is no standardisation as yet, through circulars, of the practical aspects of this cooperation; this has created confusion at the local Departments of Social Inspection in regard not only to the particular parameters of cooperating with the Ombudsman, but also in regard to the competency of the latter per se. Despite the fact that the Ombudsman had sent to all SEPE regional directorates and departments 1300 simplified information leaflets about his role on issues of gender discrimination in private sector labour relations, during communication with local labour inspectors so as to jointly handle workers' complaints, the inspectors often expressed surprise at the Ombudsman's intervention.

Secondly, there has been no in-depth training of social labour inspectors on matters of gender discrimination, despite the fact that relevant legislation is specific and complicated.

iv. Issues highlighted by citizens' complaints

18. Cases of unequal treatment on grounds of sex reflect pathogenies of the Greek labour market

Usually, employers accused with gender discrimination also systematically violate numerous other labour legislation provisions, both with regard to the workers victims of discrimination but to other employees as well. For example, employers who

terminate the employment contract of a pregnant woman or sexually harass employees, are usually inconsistent in fulfilling their contractual obligations to the same workers, and they generally tend to systematically violate the obligation of care or respect of the employees' rights and do not care about managing their labour force to the benefit of their enterprise. The cases that have become known to the Ombudsman concern inequalities between men and women and, although they are only one aspect of the general labour market problems, act like a magnifying glass drawing attention to an problematical labour market.

19. There is a large variety of employment contract types in both the public and the private sector, resulting in a diminished protection or even lack of protection of pregnancy and maternity leaves

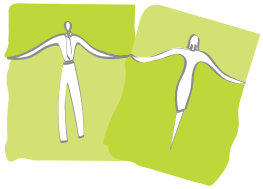
From the complaints received by the Ombudsman concerning maternity leaves – and in particular the exclusion of various categories of working mothers from the additional /maternity protection leave –, it has become apparent that both in the private and public sectors there is a large variety of employment contract types; this means that there are different types of employment contracts (contracts under public law, open-ended contracts , fixed-term contract, specific project contracts, one-day contracts, manpower lending contacts, "stage" contracts, self-employed persons providing dependent work, etc); the various employees, although undertaking similar duties or working under the same or similar conditions of employment, have different, and, indeed, varying rights.

More particularly, in regard to its field of jurisdiction, the Ombudsman found out that this multiplicity of employment types has led to partial or selective maternity protection. The main issue that arises is that several individual and social rights deriving from the capacity of an employee, which include maternity leave and benefits as well as parental leave, are still considered to be a privilege for those working under a dependent employment contract. In other cases, the legislator associates the recognition of a right, such as, for example, additional maternity leave, with the agency where the work is offered rather than the type of contract (e.g. open-ended or fixed-term employment contract) or the labour relationship (labour relationship under private law). To the extent this is not justified by the legislator, it arbitrarily restricts those eligible for a right.

Basic rights, such as those related to maternity, cannot be associated with the type of employment relationship nor can they only be applicable in cases of dependent employment contracts, based on the official criterion of case-law interpretation, to the extent that the concept of depending employment itself tends to be redefined in modern labour law.

20. Enterprises consider pregnancy and maternity as a burden

The number of complaints received by the Ombudsman - about cases of dismissal and unfair treatment of workers during pregnancy and after their return to work following their maternity leave - confirm the tendency of enterprises to consider pregnancy and maternity as incompatible with employment. It gives cause for concern that in most cases pregnant women were treated with degrading and insulting comments and given tasks that were difficult for them to undertake without risking their health or safety. In several cases it became clear that the employers' ulterior motive was to force the employee to resign while she was still pregnant, so that they would avoid the cost of her absence due to maternity leave, reduced working hours, etc. Moreover, working women do not claim their right to return to



work after pregnancy with full protection of their rights, but rather hope to keep their job for the period of one-year protection guaranteed by law, and to be dismissed with the legal damages due to them. In other words, what is observed is that a working woman has a priori resigned from any prospect of being reintegrated into the enterprise or any further professional development after childbirth.

21. Long maternity leave, without additional measures for reintegration, marginalises female employees on the labour market

The provisions of Law 3488/2006 that establish the right of female employees, after childbirth, to return to their original position or a similar job with the same or equivalent employment conditions, is being infringed, in practice, by the deterioration of labour conditions and the cultivation of a climate that forces female workers to resign or be dismissed with or without compensation upon the expiration of the protection of maternity period, which in Greece is one year after childbirth. The additional maternity leave benefit (Article 142 of Law 3655/2006), seemed to temporarily help low-salary female workers in the private sector, but in practice it apparently accelerates their exit from the labour market.

This is attributable to the fact that the regulation was adopted in a fragmented manner, without considering or adopting complementary measures facilitating the re-entry into the labour market of women absent for several months during maternity or parental leave and without the willingness of the enterprise to accept such a measure during a period of economic crisis. Moreover, there was no study of trends at the European level and the experiences of other EU Member States whatsoever. The trend at the European level is to avoid long maternity leave of absence, as it causes alienation from the workplace and the field of activity and decreases participation of women in the labour market. On the contrary, the sharing of parental leave between fathers and mothers is favoured, with conversion of a part of this leave to a personal and non-transferable right of the father, which, if not used, is permanently forfeited. This facilitates reconciliation of private and professional life as a necessary requirement for achieving gender equality in employment because equal opportunity to combine employment and family are provided to both genders.

22. Employees are hesitant to complain about discrimination on grounds of sex during their labour relationship

According to data collected by the Greek Ombudsman, workers primarily report infringements of other provisions of labour legislation to the Labour Inspectorate (overdue earned wages, non-payment of overtime, breach of working hours, etc.). Only secondarily, and, quite often, after they have won their primary claims, do they complain about issues of gender discrimination and, in certain cases, even after the labour relationship has ended. A partial exception in this remark concerns cases of dismissal of pregnant workers, in which the complainants immediately turn to the Greek Ombudsman and/or SEPE in order to call off their dismissal. Nevertheless, the phenomenon of employers who repeatedly break the law in various ways in relation to their employees is also verified in cases of dismissal.

23. The important reason invoked by employers for the dismissal of a pregnant worker is often a pretext

Another comment on employers who dismiss pregnant workers relates to justification of their dismissal. According to domestic legislation, providing a substantive reason is of

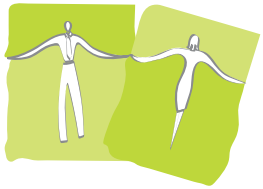
basic importance for justifying termination of the contract and this reason must be supported by adequate evidence in the dismissal decision. The Greek Ombudsman has reason to doubt the soundness of the reasons presented as important in almost all cases that have been examined to date.

24. The unjustified exclusion of employees from the additional maternity protection benefit perpetuates inequalities in labour and infringes the right to protection of maternity

The establishment of the 6-month additional maternity protection benefit aims to protect maternity through creating a grid offering extensive protection to women employed in the private sector, for whom both the extent and the level of protection fall short of those enjoyed by women employed in the public sector. At the same time, the establishment of this leave aims at strengthening the family institution and at combating the demographic problem. The provisions of the law must be interpreted in such a way so as to ensure the most favourable and effective implementation of the protection of maternity possible, in accordance with Article 21 of the Constitution. After examining numerous cases, the Greek Ombudsman found that entire categories of female workers were unjustifiably excluded from the six-month additional maternity protection benefit, due to non-approval of the relevant benefit for them. The Greek Ombudsman believes that the Ministry of Labour handled this issue in a very bad manner, at the expense of the citizens concerned. When the Greek Ombudsman tracked down the problems and informed the competent General Secretariats of the Ministry of Labour and OAED, the latter should have acted directly in order to resolve the issue by amending the Ministerial Decision, where necessary, and by issuing circulars that would lead to proper interpretation of the regulation.

25. The administration equates positive measures in favour of women with measures for the protection of maternity and the support of families

The Greek Ombudsman handled reports by men on the more favourable treatment of mothers of minors and mothers with three children in OAED programmes subsidising young self-employed individuals and on the exemption of military officers from duty following a 24-hour shift. The Ombudsman found that the administration characterises a measure that favours women as positive, without providing specific and comprehensive justification. This makes it impossible to verify the appropriate and necessary character of the measure, as dictated by the relevant case-law of the Greek Council of State and the European Court of Justice, in view of examining its constitutionality and its compatibility with EU law on equal treatment for men and women. After the views of the administration were received, it was found that the administration rejects the extension of such measures to fathers, with the justification that they are positive actions that favour women and serve maternity, the support of families with numerous children and the reconciliation of private and professional life. Therefore, there is confusion in the administration with regard to the definition of a measure for the protection of maternity, a measure for the reconciliation of private and professional life and a positive measure in favour of women.



The recent decision of the ECJ in case C-559/07 (Commission v Hellenic Republic) on the same retirement age limit for men and women in the public sector leaves no doubt as to what EU law accepts as a positive measure within the framework of Article 141(4) of the EC Treaty. According to the Court, the principle of equal

treatment for men and women does not prevent Member States from providing for specific advantages to make it easier for the underrepresented sex to pursue a vocational activity, prevent or counterbalance disadvantages in careers. However, in order not to run contrary to the principle of equal treatment, national regulations must, **in all cases, improve the ability of women to compete with men in the labour market** and to pursue careers under conditions of equality with men.

26. Several cases of discrimination on grounds of sex have been located in the terms of recruitment announcements in the stricter or broader public sector, as well as in the examinations for admission to military and police academies

The Greek Ombudsman drew this conclusion after examining complaints on: adoption of non-transparent criteria for the recruitment of journalists by municipal enterprises; non-inclusion of the period of maternity leave in previous working experience for recruitment by a DEKO; asymmetrical increase of height limits for men and women and provision for joint athletic tests for military academy entrance examinations. At the same time, the Ombudsman has discovered indications of direct multiple discrimination (e.g. on grounds of sex, age and appearance) in vacancy notices in the private sector. In regard to notices published by the Greek State, the Greek Ombudsman requested and, in certain cases, achieved the issuance of a circular (e.g. circular of the Ministry of the Interior to Local Government Authorities and their enterprises) laying down a general framework for combating discrimination on the grounds of gender, religion or belief, disability, age or sexual orientation as regards employment and occupation (Law 3488/2006 and Law 3304/2005).

27. The phrasing and method of implementation of the provision of the Civil Servant Code for the extension of parental leave to working fathers raise issues of direct and indirect discrimination on grounds of sex

The Greek Ombudsman first began dealing with the issue of granting parental leave to civil servants in 2007. The Ombudsman is preparing a special report that focuses on issues of direct discrimination, resulting from the exclusion of a father civil servant from the right to parental leave when his spouse is not employed. Furthermore, issues of indirect discrimination and other problems of administrative action have been found in cases where the employee's spouse is self-employed, despite a relevant interpretative circular issued by the Ministry of the Interior in May 2008. Also examined is the consistent implementation of the separate right to parental leave for each child, including twins, as well as the manner of calculation of the duration of leave, particularly when one spouse is a civil servant and the other is employed in the private sector. Moreover, problems emerging from the refusal to grant parental leave with the justification of service needs are examined, along with issues of delays and dysfunctions in the provision of parental leave, particularly for fathers civil servants

B. Proposals
General

1. National policies must be harmonized with European Directives and national legislation must be harmonized with the acquis communautaire

■ The European Roadmap for Equality Between Men and Women 2006-2010 is the main guideline and reference point for drafting national equality policies. A necessary requirement for the success of this pan-European effort is cooperation between Member States and the European Commission, social partners and civil society, and the undertaking of commitments by national governments. For this reason, it is necessary, when assessing the work of co-competent Ministries in the area of gender equality, to carry out an ex post evaluation of how and to what degree the specific government actions contributed towards implementing the priority areas and guidelines of the Roadmap. In any case, there is also need for an ex ante evaluation of the results that the adoption of new legislative and other measures is expected to have for achieving the objectives of the Roadmap. with the help of measurable indices and objectives.

■ Full and timely harmonization of Greek legislation with the acquis communautaire on equal treatment for men and women is required, as is compliance with the decisions of the European Court of Justice.The following would help in this direction:

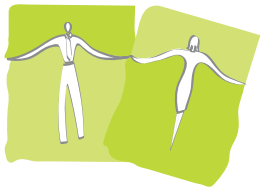
a. the familiarization of the administration with the specific issue of equal treatment for men and women. This can be achieved through the provision of education and continuous training to civil servants, as well as through cooperation between the administration and the Greek Ombudsman as an agency for monitoring and promoting the implementation of the principle of equal treatment for men and women, and

b. the upgrading of the Parliamentary Special Permanent Committee on Equality, Youth and Human Rights, within the framework of upgrading the role of national parliaments in the processing of European Directives, promoted by the Lisbon Treaty. The Greek Ombudsman anticipates permanent cooperation with this Committee, through its own periodic appearances before the Committee on issues of discrimination on grounds of sex.

2. The administration must inform: (a) citizens on the role of the Greek Ombudsman and (b) the Greek Ombudsman on citizen complaints that come to its attention

The competent ministries must make the services provided by the Greek Ombudsman on issues of discrimination on ground of sex in the sector of employment and labour relations widely known to workers and citizens, in general. Through the Resolution it adopted on 15 January 2009, the European Parliament called upon Member States to schedule information campaigns for the better promotion of agencies supporting equal treatment for men and women.

The Greek Ombudsman must receive information in a direct and timely manner on cases of discrimination on grounds of sex that are reported or come to the attention of governmental and other agencies.



3. New emphasis must be placed on preventive action through regular cooperation and exchanges of good practice and experiences with all involved agencies and social partners.

- The experience acquired to date emanating from the new competences of the Greek Ombudsman to examine complaints against private employers, in cases of discrimination on grounds of sex, shows that an a posteriori suppressive intervention often brings no substantive results. This is because employees' complaints and the Greek Ombudsman's intervention take place at a time when the employment relationship (and the relationship of trust) has been breached. The reason for the breach of the employment relationship is often related to particularly important situations in employees' lives, such as pregnancy, the period immediately after giving birth, motherhood or parenting. This relationship is, in most cases, impossible to restore, even after the formally successful mediation of the Greek Ombudsman. Let us take, for example, the case where the Greek Ombudsman ascertains the infringement of the principle of equal treatment for men and women and the employer finally accepts to revoke the dismissal of a pregnant worker. The mediation of the Ombudsman is seemingly successful, but it is doubtful whether employer and employee will want or be able to work together again. This is a process from which both parties may essentially lose.

Respecting the principle of equal treatment for men and women may be more effectively achieved by preventive intervention, i.e. before problems and friction arise at the workplace. The state must create or reinforce the necessary infrastructure and make it clear to social partners that it is determined to use all mechanisms available in order to safeguard the functioning and promotion of the principle of equal treatment for men and women in employment.

- The Greek Ombudsman encourages employer organisations, enterprises and the Hellenic Network for Corporate Social Responsibility to cooperate more closely with the Ombudsman, aiming at creating behavioural and moral codes for the prevention of sexual and any other form of harassment on ground of sex in enterprises, at improving pay and at combating stereotypes on pregnancy and maternity.

- The Greek Ombudsman must acquire the necessary tools that will enable it to develop preventive-informative actions, in order to convince employers and enterprises that respecting the principle of equal treatment for men and women is not a burden or a hindrance, but, on the contrary, serves as a lever for growth and a necessary prerequisite for the liberation of all productive forces and the creation of a prosperous economy based on social cohesion.

Specific

It is recommended to the Ministry of Employment, in cooperation with the General Secretariat for Gender Equality, where necessary to engage in the following activities:

1. To inform citizens and raise public awareness on their rights within the framework of Law 3488/2006 and encourage them to exercise these rights. For this purpose, it would be constructive to cooperate with the Greek Ombudsman for the publication of practical and simplified guides on citizens' rights within the framework of Law 3488/2006, as well as any other relevant legislation that concerns gender equality in the areas of labour, protection of maternity and reconciliation of private and professional life. These guides may be general or concern specific categories of workers (e.g. educators); therefore the contribution of each competent Ministry is necessary.

2. To directly promote adoption of legislation on the incorporation of Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)

3. To schedule the codification and simplification of legislation on equal treatment for men and women in the areas of employment and labour, including provisions on maternity benefits (pregnancy – post-natal benefits, additional maternity benefits and 6-month additional maternity protection benefit); moreover, to simplify the processes for provision of these benefits and to minimise the co-competency of agencies where it is not required.

4. To publish, in cooperation with the Greek Ombudsman, a circular on the implementation of Law 3488/2006 that specifies and standardizes the manner and methods of cooperation between the Greek Ombudsman and SEPE.

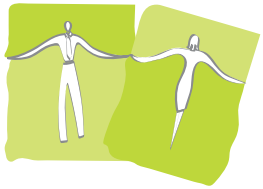
5. To support synergy between the Greek Ombudsman and SEPE by:

- undertaking substantial supervision and monitoring of the manner in which labour inspectorates fulfil their duty to cooperate with the Greek Ombudsman pursuant to Law 3488/2006
- underlining the benefits of such cooperation
- upgrading the role of SEPE as a labour market control mechanism

6. To organise training seminars on law 3488/2006 for labour inspectors.

7. To study the findings and proposals of the Greek Ombudsman in the Dossier entitled "additional maternity protection benefit " and to take direct measures:
a) to remove inequalities faced by working mothers excluded from the special leave – benefit, and
b) to improve and accelerate the process of providing the benefit by OAED.

8. To adopt, following deliberations and dialogue with the social partners, a cohesive, multilateral strategy for reconciliation of private and professional life, which:



- will aim:

  a) at increasing the participation of women in the labour market
  b) at improving their economic independence, in view of combating the aggravated demographic problem, and
  c) at reducing the pay gap that women face due to their increased family responsibilities

  - will incorporate the view that maternity and parenting are an added value rather than a burden for enterprises
  - will provide equal opportunities for men and women to participate in employment, by distributing family burdens and responsibilities to both genders

  - will enhance the protection of maternity in accordance to the upcoming changes in European legislation

  - will promote new organization of labour, which will include: measures for the reintegration and adaptation of female employees after pregnancy and maternity leave, as well as of parents after the use of parental leave , adoption of flexible working hours and labour programmes for working parents, which will facilitate the combination of employment and family and will not marginalize women from employment after giving birth

  - will improve the structures and services providing care to children and the elderly

  - will actively involve men and fathers in its implementation

  - will be based on the creation of strategic alliances with social partners and joint ventures of private sector enterprises for its promotion

  - will ensure cohesive, effective and targeted utilization of existing structures, infrastructure, tools and resources

It is recommended to the Ministry of Justice:

9. To create databases systematically recording the decisions and pending cases of the Greek civil and administrative courts, the European Court of Justice and the European Court of Human Rights (ECHR) in regard to gender equality issues. Cases must be classified per category, in order to facilitate user queries.

10. To organize educational seminars, in cooperation with the National School of Judges, in order to familiarize judges with new law on combating discrimination and to produce useful case-law. Particular emphasis must be placed on the issue of reversal of the burden of proof, so that the relevant provision may start being implemented.

11. To examine the possibility of incorporating the provisions of Law 3488/2006 that are of case-law interest and particularly Article 17 on the reversal of the burden of proof, in the codes of civil and administrative case-law, so that they may become known to the legal world.

It is recommended to the Ministries supervising DEKOs, which recruit employees on the basis of Law 3429/2005, when issuing a Joint Ministerial Decision (JMD – KYA) on personnel recruitment by these DEKOs:

12. To make clear that the time a candidate has spent on maternity leave (pregnancy – post-natal) as well as the 6-month additional maternity protection leave, must be included in the prior service, in order to prevent discrimination on grounds of sex.

In general, it is recommended to the public administration:

13. To regularly collect, process and systematize reliable and comparable quantitative and statistical data on the basis of gender for each area of responsibility of each ministry. This data must be directly accessible to the Greek Ombudsman whenever it is requested by a public service. This way the Greek Ombudsman will be able to ascertain if there is indirect discrimination against one gender and if it is justified (e.g. impact of height limits in military, academic and municipal police forces; percentage of male and female workers who use parental leave; the extent to which the administration refuses to grant parental leave to men and women, invoking service needs etc.).

14. To cooperate with the Greek Ombudsman in order to jointly assess whether the provisions that include special measures in favour of women are truly positive measures that constitute a lawful deviation from the principle of equal treatment for men and women, on the basis of the definition provided by the ECJ in case C-559/07 (Commission v Hellenic Republic). If it is found that a measure does not come under the concept of a positive measure in favour of women as the underrepresented sex, the administration must, acting in accordance with the proposals of the Greek Ombudsman, restore the equal treatment of men and women either by abolishing the measure or by extending it to men.

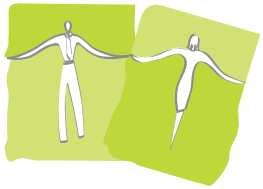
The competent Social Inspectorate Departments of SEPE must:

15. Observe the wording of Law 3488/2006 and immediately inform the Greek Ombudsman of all complaints submitted to them that fall under the field of implementation of this law.

16. Examine complaints, notifying the Greek Ombudsman of their examination's results or calling upon the Greek Ombudsman to attend trilateral investigations on labour disputes or on-site audits of enterprises, jointly expressing an opinion on the case. In any case, they must not simply forward complaints to the Greek Ombudsman without having taken some action to examine them before.

17. They carry out preventive audits – if possible, jointly with Greek Ombudsman delegations – of enterprises where there are suspicions or indications of infringement of Law 3488/2006 or that labour rights are being systematically infringed, in general. Experience has shown that, as a rule, enterprises or employers that do not respect labour legislation (e.g. in regard to pay, labour conditions, working hours, etc.) lack any positive stance in regard to equality at the workplace and are, therefore, prone to behaviour leading to unequal treatment on grounds of sex.

It is recommended that Social partners:



18. include in the agenda of bilateral collective negotiations issues that have been raised to political priorities of the EU; such issues are the gender pay gap in the

private sector and the unfair treatment of working women who try to make use of maternity leave, with the ulterior goal of forcing them to resign or dismissing them upon expiration of the legally established period of protection from dismissal.

19. To intensify their efforts to inform employees and employers on the rights and duties pursuant to Law 3488/2006.

20. To forward complaints on discrimination on grounds of sex submitted by their members to the Greek Ombudsman.

21. To locate and abolish the provisions of collective bargaining agreements of all levels that include direct and/or indirect discrimination on grounds of sex.

NGOs active in the field, must:

22. establish a regular communication with the Greek Ombudsman, aiming at mutual provision of information and the exchange of experience.

List of Greek acronyms used in the Report

Full Name in English	English Acronym	Greek Acronym
Arbitral Decision	AD	DA
Association of Hellenic Gymnastics Athletic Clubs	AHGAC	SEGAS
Athens Chamber of Commerce &Industry	ACCI	EVEA
Citizen Service Centre	CSC	KEP
Collective Labour Agreement	CLA	SSE
Corporate Social Responsibility	CSR	EKE
Employment Promotion Centre	EPC	KPA
European Court of Justice	ECJ	DEK
European Union	EU	EE
Federation of Secondary School Teachers of Greece	FSSTG	OLME
Fund of Hotel Employees	FHE	TAXY
General Secretariat for Gender Equality	GSGE	GGI
General Secretariat of Social Insurance	GSSI	GGKA
Greek General Confederation of Labour	GGCL	GSEE
Greek Labour Inspectorate	GLI	SEPE
Greek Manpower Employment Organisation	GMEO	OAED
Greek Manpower Employment Organisation	GMEO	OAED
Hellenic Federation of Bank Employee Unions	HFBEU	OTOE
Hellenic Federation of Enterprises	HFE	SEV
Hellenic Federation of Personnel of Local Governments	HFP-LAO	POP-OTA
Hellenic National Defence General Staff	HNDGS	GEEThA
Hellenic Open University	HOU	EAP
Joint Ministerial Decision	JMD	KYA
Local Government	LAO	OTA
Ministry of Interior	MoI	YPES
National Association of Greek Commerce	NAGC	ESEE
National Centre for Public Administration &Local Government	NCPALG	EKDDA
National Confederation of Greek Traders	NCHC	ESEE
National General Collective Labour Agreement	NGCLA	EGSEE
National Health System	NHS	ESY
National Provident Institution for the Employees of Public Authorities	NPIEPA	INPDAP
National Statistical Service of Greece	NSSG	ESYE
National Strategic Reference Framework	NSRF	ESPA
New Jobs	NJ	NTHE
Public Utility Company	PUC	DEKO
Research Centre for Gender Equality	RCGE	KETHI
Social Security Institute	SSI	IKA
State Legal Council	SLC	NSK
Superior Military Educational Institute	SMEI	ASEI
Superior Military School for Non-commissioned Officers	SMSNCO	ASSY
Supreme Council for Personnel Selection	SCPS	ASEP
Unified Insurance Fund for Employees	UIFE	ETAM
Workers' Social Benefits Organisation	WSBO	OEE
Young Self-Employed Persons	YSEP	NEE

Special experts of the **Department for Gender Equality** who contributed to the preparation of the **Special Report**:

Christina Angeli
Electra Demirou
Maria Karageorgou
Kyriaki Lambropoulou
Yiannis Boutselis

Deputy Ombudsman in charge of Gender Equality Issues
Stamatina Yannakourou

Greek Text editing
Yiannis Boutselis

Translation into English
Daniel Webber

English Text editing
Maria Karageorgou

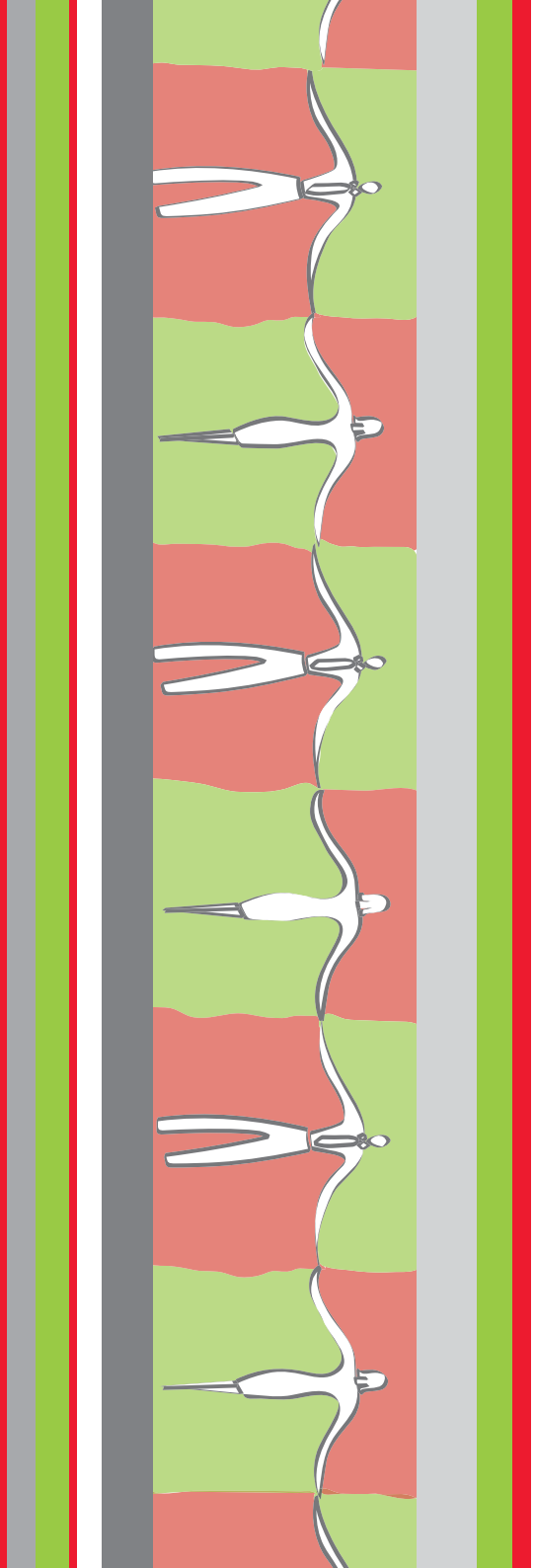
Publication coordination
Communication Dept.
Roi Tzavara
Petros Parayos
Demetria Papageorgopoulou

Art Direction
Daphne Bei
Rodoula Papafingos

Cover
Daphne Bei
Rodoula Papafingos

Printing
National Printing House
Copies: 300
November 2009

ISBN 978-960-6762-08-6



ISBN 978-960-6762-08-6