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NEWS REPORT

Country:	Greece
Title:	Discriminatory treatment due to mental disability in a proclamation of a public organisation for enrollment in its Vocational School
Date:	28 May 2015
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Context	
Issue at stake:	Abolition of exclusion of persons with mental disabilities from Vocational School
Ground of discrimination:	Disability
Source:	National equality body
Field:	Employment
Applicable law:	Article 8 (b) of anti-discrimination Law 3304/2005, and Law 4074/2012 on the ratification of the International Convention on the Rights of Persons with Disabilities

Content

Case development: During the year 2014 the Greek Ombudsman received and examined reports submitted by the National Association of Persons with Disabilities and other citizens regarding an advertisement on the website of a public organisation which is called Manpower Employment Organisation (OAED) calling for expressions of interest to enroll at the Vocational School for Persons with Disabilities for the year 2014-2015. Specifically, it is mentioned in the proclamation post, inter alia, that: "Those with a disability caused by mental illness cannot participate in these programmes".

Decision of the equality body: On 4 May 2015, the Greek Ombudsman issued a non binding Opinion according to which she found that the principle of equal treatment had been violated.

The Greek Ombudsman highlighted that the above call for expressions of interest contradicts Article 12 (under the title "Equal recognition before the law"), and Article 27 (under the title "Work and Employment") of the International Convention on the Rights of Persons with Disabilities, which Greece ratified (together with the optional Protocol) through the adoption of Law 4074/2012, and, thus, has to implement nationally. Specifically, the States Parties have to ensure and promote the right to employment and take the necessary measures for persons with disabilities to have effective access to employment agency services, and to vocational training and education.

Finally, according to the Ombudsman, the exclusion by OAED of persons with mental disabilities from the call for expression of interest regarding the Vocational School for Persons with Disabilities constitutes discriminatory and unequal treatment according to Directive 2000/78/EC of the European Union establishing a general framework for equal treatment in employment and occupation, as it was incorporated into national legislation

with Law 3304/2005, which refers to the implementation of the principle of equal treatment in employment regardless of disability.

OAED's administration has responded positively to the Ombudsman's Opinion and committed, in writing, to cooperate with the representatives of persons with mental illness in order to discuss and find a mutually acceptable solution so that a next call of expression of interest may include this category of persons with disabilities. The administrator of OAED has recently changed and the competent General Directorate of Vocational Training and Education (which is OAED's branch that deals with all the Programmes that concern vocational training) has therefore stated that it will inform the new administrator of the Ombudsman's Opinion. The Greek Ombudsman declared in public that developments regarding this issue would be followed closely.

Key points of analysis: The fact that the exclusion of persons with mental disabilities from the Vocational School of OAED was considered to be discriminatory and unequal treatment that contradicts with the Directive 2000/78/EC urged the public administration to take immediate measures to safeguard the protection of candidates and enforce the principle of equal treatment by combating discrimination on the ground of disability.

Internet link source:

<http://www.synigoros.gr/resources/docs/synoyh-diamesolavhshs-diakritikh-metaxeirish-logw-yyxikhs-anaphrias-se-prokhry3h-toy-oaed.pdf>