



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Greece
Title:	Judgment 13/2015 of the Greek Council of the State (the Supreme Administrative Court): a pregnant woman must be allowed to take the athletic tests for admission to the Fire Corps after her pregnancy
Date:	24 March 2016
Expert:	Sophia Koukoulis-Spiliotopoulos
<u>Context</u>	
Issue at stake:	The Head of the Fire Corps rejected the request of a pregnant candidate to take the athletic tests for admission to the Fire Corps after her pregnancy
Ground of discrimination:	Sex
Source:	National supreme court judgment
Field:	Employment
Applicable law:	Directive 2002/73/EC; Articles 4(2) and 21(1) of the Constitution

Content

Case/law development: By act of the Head of the Fire Corps, the request of a pregnant candidate to take the athletic tests for admission to the Fire Corps after her pregnancy was rejected. The candidate lodged an action for the annulment of this act, which was upheld by judgment 13/2015 of the Council of the State (the Supreme Administrative Court; CS) on the basis of Articles 4(2) (gender equality) and 21(1) of the Constitution (family and maternity protection) and of Directives 76/207/EEC¹ and 2002/76/EU.²

Key points of analysis: The Head of the Fire Corps invoked the provisions of Presidential Decree (PD) 19/2006,³ according to which the athletic tests constitute the first stage of the competition for being admitted to the Fire Corps; passing these tests is a pre-condition for participating in the other stages of the competition. He also invoked the provision according to which a candidate who states that she is pregnant may take the athletic tests only if she submits an attestation by her doctor that her participation is allowed and will not harm her health and/or the foetus. As the claimant had submitted a medical attestation according to which her pregnancy condition did not allow her participation in the athletic tests, the Head of the Fire Corps did not allow her

¹ 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, OJ L 39, 14.2.1976, pp. 40-42.

² Directive 2002/73/EC of the European Parliament and the Council of 23 September 2002 amending 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, OJ L 269, 5.10.2002, pp. 15-20.

³ OJ A 16/2006.

participation in the athletic tests and rejected her request to take the athletic tests after her pregnancy.

Internet link sources:

Articles 4(2) (gender equality) and 21(1) of the Constitution (family and maternity protection), English translation *via* Greek Parliament website, at: <http://www.hellenicparliament.gr/en/Vouli-ton-Ellinon/To-Politevma/Syntagma>, accessed 29 December 2015.

Presidential Decree (PD) 19/2006 'Regulation for the Recruitment in the Fire Corps', OJ A 16/2006, *via* Official Journal website (in Greek) at: <http://www.et.gr>, accessed 29 July 2015.