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NEWS REPORT

Country:	Greece
Title:	Act 4356/2015 'on the life partnership agreement' did not remedy the inadequate transposition of Directive 2010/41/EU regarding spouses and life partners of the self-employed
Date:	24 March 2016
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<u>Context</u>	
Issue at stake:	Greek legislation creates no rights for life partners and limited rights for spouses of the self-employed in matters of employment and social security
Ground of discrimination:	Sex
Source:	Legislation
Field:	Employment; social security
Applicable law:	Directive 2010/41/EU, Acts 4097/2012, 4356/2015

Content

Policy development: Directive 2010/41/EU¹ was transposed by Act 4097/2012² (the transposing Act), albeit inadequately. In particular, this Act did not transpose Article 7 of the Directive, which requires social protection for spouses and life partners of the self-employed. Therefore, this Act did not improve the situation of life partners and spouses of the self-employed in matters of employment and social security. The situation of these persons had been inadequately regulated by Act 3719/2008,³ which had introduced different sex life partnership. The latter Act had created no rights in matters of employment and social security for the life partners that it covered. It must be noted that life partners are not dealt with at all by Greek social security legislation, while the social security coverage of spouses of the self-employed is limited under social security legislation.

Furthermore, Article 8 of Directive 2010/41/EU (maternity benefits) has been only partly transposed. The transposing Act provided that self-employed women only (not female spouses or life partners of self-employed men) may be granted a maternity allowance allowing a temporary interruption of their activity due to pregnancy or maternity. Moreover, Paragraph 4 of Article 8 (temporary replacements) has not been transposed at all regarding either female spouses or female life partners of the self-employed. For the above reasons, Greece was in breach of Directive 2010/41.

¹ Directive 2010/41/EU of the European Parliament and of the Council on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC, OJ L 180, 15.7.2010, pp. 1-6.

² OJ A 235/03.12. 2012.

³ OJ A 241/26.11.2008

The adoption of Act 4356/2015,⁴ which, inter alia, introduced same-sex life partnership, was an opportunity to fill the gaps of the transposing Act, and therefore to remedy the breaches of Directive 2010/41. However, this Act has only vaguely provided that existing provisions of labour and social security law 'may' be adapted as regards life partners by Presidential Decree, within 6 months of the date on which this Act comes into effect'. As this Act came into effect upon its publication in the OJ (24 December 2015), the deadline for issuing the Decree is 24 June 2016. Such a decree has not yet been issued.

Key points of analysis: Directive 2010/41 has been only partly implemented in Greek law regarding employment and social security rights of spouses and life partners of the self-employed. The rights of the former are limited, while no rights are provided for the latter. The implementation of the Directive was not improved by subsequent legislation.

Internet link sources:

Act 4097/2012, 'Implementation of the Principle of Equal Treatment of Men and Women Engaged in an Activity in a Self-Employed Capacity – Harmonisation of the legislation with Directive 2010/41/EU of the European Parliament and the Council', OJ A 235/03.12.2012;

Act 3719/2008, 'Reforms for the Family, the Child, Society and Other Provisions', OJ A 241/26.11.2008; Act 4356/2015, 'Life Partnership Agreement, Exercise of rights, Penal and Other Provisions', OJ A 181/24.12.2015, *via* Official Journal website (in Greek) at: <http://www.et.gr>, accessed 29 December 2015.

⁴ OJ A 181/24.12.2015.