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NEWS REPORT

Country:	Greece
Title:	Exclusion of Greek citizens from appointments in the country's Municipalities, Regions and Social Welfare Centers due to their ethnic origin
Date:	23 August 2018
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<u>Context</u>	
Issue at stake:	Discriminatory treatment against a person by reason of his/her origin on behalf of the Greek Manpower Organisation for Employment
Ground of discrimination:	Race/ethnic origin
Source:	Legislative development
Field:	Employment
Applicable law:	Ministerial Decision with number 8.7847 of 25 July 2018 (OJ 3013 B/025.07.2018)

Content

Legislative development: A call for applications to the Greek Manpower Organisation for Employment (OAED)'s programme, published on 25 July 2018,¹ brought up a rather chronic discrimination against Greek citizens due to their ethnic origin. The operation of OAED is based on the following three pillars: (i) promotion to employment; (ii) unemployment insurance and social protection of maternity and family; (iii) vocational education and training.² The specific programme concerns 30,333 full-time appointments for Greek citizens in the country's Municipalities, Regions and Social Welfare Centres. Professions range from civil engineers to cleaning assistants. However, this call excludes from the outset, a group of Greek citizens, by including within its general requirements the following criterion:

*"those who have acquired Greek citizenship by naturalisation cannot be recruited **before the completion of one (1) year** from its acquisition until the deadline for the submission of electronic applications. Those who have acquired Greek citizenship by naturalisation, but a year has not elapsed since its acquisition, are eligible, provided that until this time they were nationals of a Member State of the European Union".*

¹ Ministerial Decision n°8.7847, 25 July 2018, "Promoting employment through community-based programmes, including training, in Municipalities, Regions and Social Welfare Centers" (OJ 3013 B/025.07.2018).

² One of OAED's main policy axes regards employment promotion through programmes aiming to reduce (a) wage labour costs (b) non-wage labour costs, by subsidising social security contributions, facilitating transport from and to work, with special emphasis placed on the population groups most severely affected by unemployment, as well as vulnerable population groups.

This means that only citizens who were not previously nationals of a Member State of the European Union are subject to the requirement of completion of one-year period after their naturalisation to apply to the program. Moreover, it is noteworthy to highlight that apart from those naturalised, this restriction also concerns the second generation, that is, those who apply for Greek citizenship due to birth and study in Greece. Those citizens are discriminated on the ground of their ethnic origin because they are treated differently than other Greek citizens.

This specific criterion is not set solely by the Greek Manpower Organisation for Employment but is applied to all recruitment processes for the public sector in accordance with the Public Servants Code (Law. 3528/2007 article 4, paragraph 4). However, this restriction goes against the principle of equal treatment as defined in article 3, paragraph 1 of the anti-discrimination legislation (Law 4443/2016):

"the principle of equal treatment irrespective of race, colour, national or ethnic origin, birth, religious or other beliefs, disability or chronic illness, age, family or social status, sexual orientation, gender identity or gender characteristics in the labour market, applies to all individuals, in the public and private sectors in terms, inter alia, of the conditions of access to employment in general selection criteria and recruitment terms, irrespective of the branch of activity and at all levels of the professional hierarchy, as well as the conditions of service and professional development."

In addition, this criterion is contrary to the constitutional principle of equality of Greek citizens (article 4, paragraph 1 of the Constitution of Greece), a principle which binds the state. Moreover, when positioned on this issue the Hellenic Council of State stated that the distinction of Greek citizens according to their ethnic origin, for access to public functions, is not constitutionally permissible (Decision No. 3317/2014).

Key points of analysis: The criterion of necessity for the completion of one year from the acquisition of Greek citizenship by naturalisation seems to constitute a clear form of discriminatory treatment against a person by reason of his/ her origin.

Internet link source:

<http://www.oaed.gr/-/programma-koinophelous-charaktera-se-demous-periphereiies-kai-kentra-koinonikes-pronoias-gia-30-333-theseis-plerous-apascholeses>.