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### FLASH REPORT

<b>Country:</b>	Greece
<b>Title:</b>	Abolition of age limit for the post graduate education of public employees
<b>Date:</b>	18 February 2019
<b>Expert:</b>	Athanasios Theodoridis
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Access of public employees to programmes of post graduate education
<b>Grounds of discrimination:</b>	Age
<b>Field of application:</b>	Employment, Education
<b>Source:</b>	Legislation
<b>Applicable law:</b>	Article 37 of Law 4590/2019

### Content

**Law development:** The provision of para 1 of Article 36 of Law 1943/1991<sup>1</sup> stipulated that a public employee could not participate in a programme of post graduate education that would result in the improvement of his/her status within the hierarchy of the public administration<sup>2</sup> if he/she had reached the age of 45 (maximum age limit). By using the term 'post graduate education' the legislator means an educational level higher than the diploma of university. The achievement of such an education matters for professional evolution within a public service which results in improvement of salary. A Code of Employees (Law 2683/1999<sup>3</sup>) was later adopted in 1999 changing the age limit from 45 to 50. In the current Code of Employees (Law 3528/2007<sup>4</sup>) however, the age limit was removed altogether as the relevant provision Article 58 para 1 did not mention any such age limit. However, the initial provision of para 1 of Article 36 of Law 1943/1991 was codified in newer legislation and specifically in para 1 of Article 43 of Presidential Decree 57/2007<sup>5</sup> on '*Codification of legal provisions concerning the National Centre of Public*

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<sup>1</sup> Greece, Law 1943/1991 on the modernisation of planning and function of public administration, upgrade of its personnel and other relevant provisions (Νόμος 1943/1991 'για τον εκσυγχρονισμό της οργάνωσης και της λειτουργίας της δημόσιας διοίκησης, την αναβάθμιση του προσωπικού της και άλλες συναφείς διατάξεις') (OJ 50 A/11.04.1991).

<sup>2</sup> The age limit concerned specific programmes that are relevant for the needs of the specific position and would result in a different work status.

<sup>3</sup> Greece, Law 2683/1999 on the ratification of the Code for the status of public employees and employees of legal entities of public law and other provisions (Νόμος 2683/1999 'για την κύρωση του Κώδικα κατάστασης των δημοσίων πολιτικών υπαλλήλων και των υπαλλήλων νομικών προσώπων δημοσίου δικαίου και άλλες διατάξεις') (OJ 19 A/09.02.1999).

<sup>4</sup> Greece, Law 3528/2007 on the ratification of the Code for the status of public employees and employees of legal entities of public law and other provisions (Νόμος 3528/2007 'για την κύρωση του Κώδικα κατάστασης των δημοσίων πολιτικών υπαλλήλων και των υπαλλήλων νομικών προσώπων δημοσίου δικαίου και άλλες διατάξεις') (OJ 26 A/09.02.2007).

<sup>5</sup> Greece, P.D. 57/2007 on Codification of legal provisions concerning the National Centre of Public Administration and Local Authority in a unified text (Π.Δ. 57/2007 για την κωδικοποίηση σε ενιαίο κείμενο των διατάξεων της κείμενης νομοθεσίας, που διέπουν το Εθνικό Κέντρο Δημόσιας Διοίκησης και Αυτοδιοίκησης') (OJ 59 A/14.03.2007).

*Administration and Local Authority in a unified text'* which resulted in the emergence of interpretative matters regarding the applicability of the age limit. This means that the applicability of the age limit was uncertain and required interpretation by national courts.

In January 2019, the issue was finally settled and all potential doubts were dissipated, when para 1 of Article 37 of Law 4590/2019<sup>6</sup> explicitly abolished both para 1 of Article 36 of Law 1943/1991 and para 1 of Article 43 of Presidential Decree 57/2007. It is now clear that according to the current legal framework no age limit is prescribed for the participation of public employees in programmes of post graduate education. Moreover, in para 2 of Article 37 of Law 4590/2019, it is clearly stipulated that the relevant acts of all public employees who are aged above 45 and participated in previous programmes of post graduate education before the effectiveness of the new legal framework are not considered to be unlawful, which means that the achievement of their diplomas under the previous system would have legal impacts and therefore would matter for their professional evolution. The legislator wants to emphasise that there is a guarantee for the rights of persons who received diplomas under the previous system.

**Key points of analysis:** A crucial barrier concerning the post graduate education of public employees who could not participate in a programme of post graduate education if they had reached the age of 45 was removed with a Law that codified previous provisions.

**Internet link source:** <https://www.hellenicparliament.gr/UserFiles/c8827c35-4399-4fbb-8ea6-aebdc768f4f7/10915773.pdf>.

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<sup>6</sup> Greece, Law 4590/2019 on 'strengthening of the Highest Council for Selection of Personnel, empowerment and upgrade of public administration and other provisions' (Νόμος 4590/2017 για 'ενδυνάμωση του Ανώτατου Συμβουλίου Επιλογής Προσωπικού, ενίσχυση και αναβάθμιση της δημόσιας διοίκησης και άλλες διατάξεις') (OJ 17/07.02.2019).