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FLASH REPORT

Country:	Greece
Title:	New provisions on family-related leave in the public sector (Article 47 Act 4674/2020)
Date:	06 April 2020
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Context	
Issue at stake:	New provisions on family-related leave in the public sector
Grounds of discrimination:	Gender
Field of application:	Employment, parental leave, social protection
Source/Applicable law:	Article 47 Act 4674/2020 'Strategic developmental perspective of Local Authorities, regulation of issues of the competence of the Ministry of Interior Affairs and other provisions', OJ A 53/11.03.2020.

Content

New provisions on family-related leave in the public sector have been adopted by Article 47 Act 4674/2020 'Strategic developmental perspective of Local Authorities, regulation of issues of the competence of the Ministry of Interior Affairs and other provisions', OJ A 53/11.03.2020 (hereinafter 'the new Act'). All types of leave provided cover civil servants¹ and employees of local authorities.² The types of leave under points (i), (ii) and (iii) below also cover persons employed by the State or by local authorities under a fixed-term employment relationship governed by private law, but only in proportion to the duration of their fixed-term contract.³

- (i) Special paid leave up to 22 days a year^{4 5 6}
Leave of up to 22 working days a year, transferable and fully paid, was originally granted: a) to employees with a spouse or child requiring regular blood transfusions or periodic hospitalisation; b) to employees with children suffering from a serious mental disability or Down's syndrome or Diffused Developmental Disorder. According to the new Act, cases under (b) are covered only if the child is underage or an adult but unemployed. In case an employee is entitled to this leave in relation to more than one protected person, the leave is extended to up to 32 working days a year. In case more than one employee is entitled to the leave in relation to the same protected person, the leave is extended to up to 32 working days a year for all entitled

¹ Civil servants are governed by the Civil Servants Code (Act 3528/2007, OJ A 26/09.02.2007), as amended.

² Employees of local authorities are governed by Act 3584/2007, OJ A 14/28.06.2007, as amended.

³ Employees by the State or local authorities under a fixed-term employment relationship governed by private law are governed by Presidential Decree 410/1988, OJ A 191/30.08.1988, as amended.

⁴ Article 50(2) Civil Servants Code, as amended by Article 47(1)(a) Act 4674/2020.

⁵ Article 57(2) Act 3584/2007, as amended by Article 149 Act 4483/2017 and further amended by Article 47(1)(b) Act 4674/2020.

⁶ Article 21 Presidential Decree 410/1988, as amended by Article 47(7) Act 4674/2020.

persons cumulatively, with the number of days to be taken by each person to be defined by an affidavit.

(ii) Extra annual leave of six days a year^{7 8 9}

A specific paid extra annual leave of six working days a year (in addition to the legal annual leave) was originally granted to employees who are themselves disabled at a percentage of at least 50 %. According to the new Act, this leave is granted only if there is no entitlement to the type of leave under point (i). Moreover, the new Act grants this leave to employees with children disabled at a percentage of 50 % or more (minors or adults who are not employed due to their disability). In case an employee is entitled to this leave in relation to more than one disabled persons, said leave is extended to up to 10 working days a year. In case more than one employee is entitled to the leave in relation to the same disabled person, said leave is extended to up to 10 working days a year for all entitled employees cumulatively, with the number of days to be taken by each entitled person to be defined by an affidavit.

(iii) Entitlement of guardians to leave under points (i) and (ii)^{10 11 12}

For the first time, the new Act expands the types of leave under points (i) and (ii) to employees who have been appointed by a court judgment as guardians and have been awarded the custody of the 'protected' persons, in case the everyday care of the latter is not provided by competent institutions and social care. Otherwise, half the leave is granted. Leave under point (ii) is granted to guardians of persons suffering from dementia as well.

(iv) One-day paid leave for annual gynaecological check-up^{13 14}

For the first time, paid leave of one day a year is granted to female employees for annual gynaecological check-up upon a medical certificate being provided.

(v) Two-days leave for treatment in case of malignant growths^{15 16}

For the first time, a paid special leave is granted to employees with a spouse or a minor child suffering from malignant growths, such as leukaemia, lymphoma and solid tumours and receiving treatment with chemical or immunomodulator agents or radiotherapy. This leave covers the day of the treatment and the day after and is granted upon a medical certificate evidencing the scheduled treatment. It can be taken once the types of leave under points (i) and (ii) have been exhausted.

(vi) Parental leave for adoptive or fostering parents^{17 18}

According to the new Act, a nine months' fully paid leave is granted to parents who adopt or foster a child under the age of four after the exhaustion of the adoption leave,¹⁹ as an alternative to a paid daily time reduction. If the age of four is to be reached sooner than nine months, only the corresponding part of the leave for the remaining time is granted. This is a big step forward, given that until the adoption of the new Act, fostering parents had no such entitlement, whereas adoptive parents

⁷ Article 50(3) Civil Servants Code, as amended by Article 47(1)(a) Act 4674/2020.

⁸ Article 57(3) Act 3584/2007, as amended by Article 47(1)(b) Act 4674/2020.

⁹ Article 21 Presidential Decree 410/1988, as amended by Article 47(7) Act 4674/2020.

¹⁰ Article 50(4) Civil Servants Code, as amended by Article 47(1)(b) Act 4674/2020.

¹¹ Article 57(4) Act 3584/2007, as amended by Article 47(1)(b) Act 4674/2020.

¹² Article 21 Presidential Decree 410/1988, as amended by Article 47(7) Act 4674/2020.

¹³ Article 50(9) Civil Servants Code, as added by Article 47(3)(a) Act 4674/2020.

¹⁴ Article 57(3) Act 3584/2007, as added by Article 47(3)(b) Act 4674/2020.

¹⁵ Article 50(10) Civil Servants Code, as added by Article 47(3)(a) Act 4674/2020.

¹⁶ Article 57(3) Act 3584/2007, as added by Article 47(3)(b) Act 4674/2020.

¹⁷ Article 53(2) Civil Servants Code, as amended by Article 47(4)(a) Act 4674/2020.

¹⁸ Article 60(2) Act 3584/2007, as amended by Article 47(4)(b) Act 4674/2020.

¹⁹ Article 53(9) CSC, as added by Article 34(1) Act 4590/2019, OJ A 17/07.02.2019, grants to civil servants adoptive or fostering parents of a child under the age of six a paid leave for three months within the first six months following the finalisation of the adoption or the fostering, which corresponds to maternity leave after birth. One month of this leave can be taken before the adoption or the fostering.

were entitled only to a leave of a length amounting to the total number of hours by which the daily working time would be reduced.

(vii) Paid daily working time reduction for the fourth child and beyond^{20 21}

An additional, paid, daily working time reduction by one hour for two more years was originally provided for the fourth child. The new Act grants this leave not only for the fourth child but for any child born beyond the fourth as well.

Internet link source:

<https://www.e-nomothesia.gr/autodioikese-demoi/nomos-4674-2020-phek-53a-11-3-2020.html>.

²⁰ Article 53(2) Civil Servants Code, as amended by Article 47(4)(a) Act 4674/2020.

²¹ Article 60(2) Act 3584/2007, as amended by Article 47(4)(b) Act 4674/2020.