



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

FLASH REPORT

Country:	Greece
Title:	Ombudsman's Special Report 2019 on Equal Treatment
Date:	11 May 2020
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<u>Context</u>	
Issue at stake:	Monitoring of discrimination cases concerning public and private sector on behalf of the competent Equality Body
Grounds of discrimination:	All grounds
Field of application:	Education, Employment, Housing, Goods and services, Social advantages, Social protection
Source:	National equality body
Applicable law:	Article 19(6) Equal Treatment Law 4443/2016; ¹ Article 25(8) Act 3896/2010 ²

Content

Policy development: The Ombudsman's Special Report 2019 on Equal Treatment, which was published on 27 April 2020, illustrates the Greek Ombudsman's activity as the national body for promoting the principle of equal treatment, in the year 2019. The complaints submitted in 2019 cover the full spectrum of discrimination grounds protected by the national law.

According to the data of the special report for 2019, the complaints of citizens and residents of the country to the Greek Ombudsman show an increase of 31% compared to the ones of 2018, recording the largest increase since 2016 - when the relevant competence had been assigned to the Ombudsman.

It is noteworthy that 44% of the new complaints concerned gender discrimination, 37% concerned discrimination on the ground of disability or chronic illness, 7% discrimination due to family status, 5% age discrimination, and 3% race discrimination or skin colour. As far as discrimination on the ground of gender and disability or chronic illness is concerned, the significant increase of complaints is extremely important.

In the field of gender equality, the Greek Ombudsman highlights a significant deficit of protection regarding pregnant women and young parents, in particular in the private

¹ Law 4443/2016 on the transposition of Directive 43/2000/EC on the application of the principle of equal treatment irrespective of race and ethnic origin, and the transposition of Directive 78/2000/EC on the configuration of the general framework of equal treatment in employment and work and Directive 54/2014/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers and other provisions. Abbreviation: Equal Treatment Law (OJ 232 A/ 09.12.2016).

² Act 3896/2010, 'Implementation of the Principle of Equal Treatment of Men and Women in Matters of Employment and Occupation. Harmonisation of Existing Legislation with Directive 2006/54/EC of the European Parliament and the Council', OJ A 207/08.12.2010.

sector. According to the Ombudsman, there is a widespread attitude that pregnant workers are a 'burden' for private enterprises and employers try to find lawful ways to get rid of that 'burden'. For some employers, pregnant workers often signify not only an obligatory absence from the workplace but, mainly, the shift of the focus of their interest from professional to family life. The Greek Ombudsman notes that in a context where women are disproportionately burdened with the care of family members, it is more than necessary to ensure the equal share of family care with the equal participation of men and women in professional life. In this field, the obligation to implement Directive 2019/1158³ into national law till the summer of the year 2022 offers an opportunity to revisit and plan again measures which will bring substantive changes towards work-life balance.⁴ Such measures will hopefully improve the disappointing classification of Greece among EU Member States in the field of gender equality.⁵

As the Greek Ombudsman points out, in cases of discrimination on the grounds of racial or ethnic origin, a central issue that arises for another year seems to be the social tension created between Roma and non-Roma residents and the reluctance, especially of local authorities, to take action in a way to calm conflicts, improve the living conditions of the Roma population and make possible their gradual social integration.

The new element that arises from the 2019 Report is that, despite the complexity and contrasts, real positive results can come out of Ombudsman's opinions. According to the Report, municipalities all over Greece that have realised the dangers posed by the tensions between Roma and non-Roma and the absence of interventions have already found out the existence of evident benefits and tangible results of their efforts, which are in fact examples of good practice.

Among matters of discrimination on the ground of national/ ethnic origin, unfair and non equal treatment against asylum seekers, refugees and migrants who reside legally in the country occupies a central position and is related mainly to barriers to access to goods and services. The report emphasises that the tolerance of racist behaviours or violence, which undermines social cohesion and is opposed with the request and the need for smooth social integration is worrying. Furthermore, the Report reveals that discrimination due to religious beliefs is often included in acts of discrimination on the ground of ethnic origin.

In the area of discrimination on the ground of age, the issue of establishing age limits in job postings or ads - in many cases without the justification required by legislation - is still raised in the 2019 Special Report. They are often found to be associated with stereotypical perceptions that relate automatically age with the natural suitability and ability to respond to duties of each position.

Finally, in cases of discrimination against LGBT individuals, the administrative procedures regarding the registration of cohabitation agreements between same-sex couples and the difficulties they face in this framework constitute a special subject for the 2019 Report.

Key points of analysis: The Special Report for 2019 also attempts a brief mapping of the level of respect of the principle of equal treatment in Greece, as well as harmonisation of the internal legal framework. It highlights – as in previous years - persistent sources of discrimination at work, in education, in housing, and in every area of social action. In his introductory remarks, the Greek Ombudsman deplores the country's multiannual experience of the Memoranda of Understanding, which have led to economic misery and

³ Directive 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L1158&from=EN>.

⁴ The Greek Ombudsman makes reference to his relevant proposals to the General Secretariat for Family Policy and Gender Equality and states that his efforts will be intensified in 2020.

⁵ The Greek Ombudsman makes reference to 'Gender Equality Index 2019: Greece' of the European Institute for Gender Equality (EIGE), available at: www.ec.europa.eu/greece/sites/greece/files/gender_equality_index_2019_greece.pdf.

strict financial adjustments. According to the Ombudsman, these negative effects cannot be fully balanced against in a year or two. Systematic efforts will be needed in the long-term for the implementation of measures and policies aiming at the enlargement of public service duties (Leistungsverwaltung), the support of social and welfare state and the reinforcement of control mechanisms. Whilst the negative effect of the 'Memoranda' experience on the current degree of the protection of fundamental rights cannot be disregarded, it has not been its only cause; deeply rooted prejudices and stereotyping have also led to the current level of respect of the equality principle.

Internet link source: https://www.synigoros.gr/resources/docs/ee_im_2019_el.pdf.