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FLASH REPORT

Country:	Greece
Title:	Exclusion of cleaners from appointment in school units due to non-fulfilment of Greek language requirement
Date:	16 September 2020
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<u>Context</u>	
Issue at stake:	Discriminatory practices in recruitment conditions on the ground of ethnic origin
Grounds of discrimination:	Racial or ethnic origin
Field of application:	Employment
Source:	National legislation
Applicable law:	Ministerial Decision 52878/2020

Content

Law development: With Ministerial Decision 52878/2020,¹ it is stipulated that for candidates for cleaning staff of school units who do not have Greek citizenship, knowledge of the Greek language is required to a degree sufficient for the exercise of the duties of the relevant specialty, which is proved by a Certificate of Greek Studies level A1 or A2.

It is important to emphasise that the specific language requirement could possibly lead to discriminatory practices for aliens of non- Greek origin, because:

- a) The task of a cleaner is basically manual and therefore it could be regarded as totally irrelevant with a specific degree of knowledge of Greek language, as it has been proved by the work itself of cleaners of non-Greek origin during all the previous years. However, some language requirement could be justified if it was accompanied by measures to ensure that potential applicants have access to such courses and certification. No such measures are currently foreseen however, and there is therefore a risk that the implementation of measure could have a discriminatory effect.
- b) South Albanians expatriates of Greek origin, Cypriot expatriates of Greek origin, expatriate foreigners of Greek origin from Istanbul and the islands of Imbros and Tenedos, and expatriates of Greek origin from Egypt, are accepted to be appointed in school units without the need for a certificate of Greek citizenship or a Certificate of Greek Studies, provided that their Greek origin and consciousness of their Greek ethnic identity is proved in other ways (without further specification). It is also noteworthy that no language requirement applies to them (i.e. a person who falls

¹ Ministerial Decision 52878/2020 on 'Procedure and criteria for the recruitment of cleaning staff for school units in the country by the municipalities with a fixed-term employment contract under private law') - (Υπουργική Απόφαση 52878/2020 για τη 'Διαδικασία και κριτήρια για την πρόσληψη προσωπικού καθαριότητας σχολικών μονάδων της Χώρας από τους Δήμους με σύμβαση εργασίας ιδιωτικού δικαίου ορισμένου χρόνου') - (OG B 3324/22.08.2020).

within one of these categories could be appointed to such work even without knowing a single word of Greek, in theory).

Moreover, it should be taken into consideration that there are examples of candidates who have been living in Greece continuously for even 20 years and have not received Greek citizenship, under the bureaucratic responsibility of the Greek state, even though they have submitted the relevant documents and have been subject to expenses (amounting to or exceeding EUR 700). In addition, a competition for a Certificate of Greek Studies has not been held for a long time, due to the conditions caused by the Covid-19 virus. As a result, the possession of a Certificate of Greek Studies, as a qualification for appointment, which replaced the originally provided qualification for the possession of a high school diploma, seems to be unfair and have no logic, whereas it simply functions as a mere selection filter, especially at a time when the needs for permanent cleaning staff in schools are multiplying, due to the pandemic.

Consequently, for instance, in the Municipality of Athens instead of more than 500 school cleaners requested by the school units, the recruitments were reduced to 264.

Finally, teachers' unions demanded the withdrawal of the above ministerial decision, considering it discriminatory.²

Key points of analysis: Through the process that is inaugurated by the above ministerial decision, unequal conditions of participation are formed, because there is a risk that cleaners who have lived in Greece for many years and have experience of work in school cleaning could be excluded on the ground of their foreign origin in a potentially discriminatory way due to language requirements.

Internet link source: <https://www.poeota.gr/images/poe-ota-content/1918/fek-tefxos-v-3485-2020.pdf>.

² https://www.alfavita.gr/ekpaideysi/330653_ohi-stoys-ratsistikoy-apokleismoys-metanastrion-sholikon-katharistrion-stoys.