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FLASH REPORT

Country:	Greece
Title:	COVID-19: Protective measures for pregnant workers in the private sector – Special leave for parents of diagnosed children
Date:	24 November 2020
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<u>Context</u>	
Issue at stake:	Protective measures for pregnant workers in the private sector due to COVID-19 – Special leave for parents of children with COVID-19 in the private sector
Grounds of discrimination:	Gender
Field of application:	Family leave, pregnancy and maternity
Source:	Act 4722/2020, OJ A 177/15.09.2020 ¹ Joint Ministerial Decision of the Ministers of Employment and Social Affairs and Health No. 37095/1436/2020 'Definition of 'workers of susceptible groups' in the private sector of the economy in order to deal with the consequences of the spread of the COVID-19 and of the required medical certificates for the application of the provision of Article eighth of the Act of Legislative Content of 22.08.2020 (OJ A 161)', OJ B 4011/18.09.2020

Content

With the rise of the COVID-19 second wave, Act 4722/2020, OJ A 177/15.09.2020 and Joint Ministerial Decision of the Ministers of Employment and Social Affairs and Health No. 37095/1436/2020, OJ B 4011/18.09.2020 (hereinafter JMD), provide, *inter alia*, for the following pregnancy and family related measures in the private sector.

Key points of analysis:

Special leave for parents of children diagnosed with the coronavirus COVID-19

Article 16 Act 4722/2020 provides that workers in the private sector who are parents of children diagnosed with the coronavirus COVID-19 are entitled (due to their children's disease) to a special leave of 14 days or even more if necessary, upon medical certification or hospitalisation of the child. The term 'children' covers infants; children attending

¹ Ratification of: a) the Act of Legislative Content of 10.08.2020 'Urgent regulations in order to deal with the urgent needs of the National Health System, the protection against the spread of the coronavirus COVID-19, the support of the labour market and the facilitation of the educational procedure' (OJ A 157) and b) the Act of Legislative Content of 22.08.2020 'Urgent measures for the reinforcement of urban transport, the supply of personal protective equipment and the hiring of cleaners for the school units, the support of touristic enterprises and of the labour market and the reinforcement of the General Secretary of Civil Protection in order to deal with the consequences of the coronavirus COVID-19 pandemic and for the support of the victims of the floods in Evia of the 8th and 9th August 2020' (OJ A 161) and other provisions in order to deal with the consequences of the coronavirus COVID-19 pandemic and with of other urgent issues'.

prekindergarten, kindergarten, elementary school and high school; children attending special schools or school units of special education, irrespectively of their age; disabled persons attending disability open care structures. During the leave, employees receive 2/3 of their wages from their employer and 1/3 thereof from the State budget (whereas full pay in the wider public sector or in public enterprises). This leave is granted (a) in addition to other leaves due to illness or hospitalisation of children, (b) irrespectively of the adoption of other measures for the limitation of the spread of the leave (e.g. teleworking) and (c) under no condition of seniority. The details for the implementation of this leave will be regulated by a ministerial decision of the Minister of Employment and Social Affairs.

Protective measures for pregnant workers in the private sector

On 11 May 2020, pregnant workers in the public sector (public servants, local authorities etc.) were recognised for the first time as susceptible groups of workers at high risk for COVID-19 (in addition to cancer patients submitted to chemotherapy, to those who have undergone a transplant etc.)² with entitlement to a fully paid special leave.³

In contrast, in the private sector no such definition had applied for several months. At last, on 17 September 2020, Article 1 of Joint Ministerial Decision No. 37095/1436/17.09.2020 defined the persons falling under the 'susceptible groups of workers at high risk for COVID-19' in the private sector, including, *inter alia*, pregnant workers. As a result, pregnant workers in the private sector are entitled to the protective measures provided by Article eighth of ALC of 22.08.2020, OJ A 161/22.08.2020,⁴ ratified by Act 4722/2020: i) right to telework upon the pregnant worker's request, which the employer is obliged to accept if the work can be performed from distance; ii) in case work from distance is not feasible, the employer takes the necessary measures so that the pregnant worker does not come in contact with the public; iii) if this is not feasible, the pregnant worker is put on the furlough scheme until 30 September 2020. This measure can be extended further in time by a joint ministerial decision of the Ministers of Economic Affairs, Labour and Social Affairs and Health. An administrative fine of EUR 5 000 is provided in case the employer, despite the pregnant worker's proven request, does not comply with the above provision, including the adoption of the successive steps of the above protective measures.

Internet link source:

<https://www.taxheaven.gr/law/4722/2020>;

<https://www.taxheaven.gr/circulars/34229/37095-1436-17-9-2020>.

² On the paid special leave for pregnant workers in the public sector see EELN flash report of 13 July 2020 'Pregnancy and family related leave due to COVID-19', available at: <https://www.equalitylaw.eu/downloads/5186-greece-pregnancy-and-family-related-leave-due-to-covid-19-127-kb>.

³ Article 25 ALC of 14 March 2020, OJ A 64/14.03.2020, sanctioned by Article 3 Act 4682/2020, OJ A 76/03.04.2020 in conjunction with Joint ministerial decision of the Ministers of Health and Interior Affairs ΔΙΑΔ/Φ.64 /341/9188/11.05.2020, OJ B 1800/11.05.2020) and Joint ministerial decision of the Ministers of Health and Interior Affairs ΔΙΑΔ/Φ.64/346/9011/14.5.2020, OJ B 1856/15-05-2020.

⁴ Article eighth of ALC of 22.08.2020, OJ A 161/22.08.2020, amended Article 4(2) ALC of 11 March 2020, OJ A 55/11.03.2020, which was ratified by Article 2 Act 4682/2020, OJ A 76/03.04.2020.