

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**



European
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Charter

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14 November 2017

Case Document No. 5

University Women of Europe (UWE) v. Greece
Complaint No. 131/2016

SUBMISSIONS BY THE GOVERNMENT ON THE MERITS

Registered at the Secretariat on 3 November 2017

OBSERVATIONS OF THE GREEK GOVERNMENT

**on the merits
of Collective Complaint 131/2016**

UNIVERSITY WOMEN OF EUROPE (UWE) V. GREECE

in the context of the European Social Charter

According to the Decision of the European Committee of Social Rights of 4 July 2017 on the admissibility of collective complaint No. 131/2016 submitted against Greece by the international non-governmental organization University Women of Europe (UWE), and following the letter of 10 October 2017 from Mr Henrik Kristensen, Deputy Executive Secretary of the ECSC, we hereby submit our observations on the merits of the allegations alleged by the complainant organization.

Preliminary remarks

Before we develop the main arguments on the merits of the complaint under discussion, we would like to make some general comments on the text of the Collective Complaint.

The complaint contains generalized and vague assertions, often unsubstantiated, as well as political, sociological and philosophical comments, which do not fall into the Greek Government's competency to comment on, since they do not form part of a relevant legal argument.

In the above style, and with the use of a series of generalized and vague observations, the complainant organization deliberately creates a sense of general ambiguity and lack of legislative framework or actions by the Greek government¹. The arguments used are formulated in a very general context and often relate to the legal, social and political reality of other countries and not the Greek, resulting in an excessive picture of the situation in the country, which does not correspond to reality².

According to the case-law of the European Committee of Social Rights³, the situation regarding the right to equal pay for the States which have ratified both article 4 para 3 and article 20 of the Rev. ESC is only dealt with under Article 20 of the Rev. ESC. Greece has ratified both articles. Therefore, the comments and observations of the Greek Government on this complaint relate to the substance

¹ See also for example, the general comment of the complainant organization that "*the relevant laws are out of date and have no effect on any of the countries that have ratified the ECS and the texts related to it*" (Chapter 4.1, page 12 of the text of the complaint)

² See especially in Chapter 4.5 of the complaint, titled *Representation of women in decision-making posts in private companies*, where the complainant organization relies on various studies and statistics which relate to other legal orders, even outside the European area, and very rarely concern the Greek reality.

³ Conclusions 2002, Interpretative statement on art. 20, p.12-13.

of both articles, 4 para. 3 and 20 of the Rev.ESC, to the part that the ECSC case law on these articles overlaps, even though reference may be made by the Greek Government only on Article 20 of the Rev.ESC.

Below, are the main pillars of the Greek legislation on equal treatment of men and women in employment and on equal pay, as well as the measures in place, or others to be taken, for the practical implementation of the application of the principle of gender equality. The Greek Government asks the ECSR to examine the information presented in this Memorandum in the light of the fulfillment of obligations of means deriving from the provisions in question for the Contracting State, in the same time recognizing the efforts made in this field.

Legislative framework

Article 4, para.1 of the Greek Constitution provides that *All Greeks are equal before the law and para.2 provides that Greek men and women have equal rights and equal obligations while article 22 para. 1 provides the following: Work constitutes a right and shall enjoy the protection of the State, which shall care for the creation of conditions of employment for all citizens and shall pursue the moral and material advancement of the rural and urban working population. All workers, irrespective of sex or other distinctions, shall be entitled to equal pay for work of equal value.* Thus, the general principle of equality is constitutionally established together with the right to equal pay for work of equal value.

By virtue of Law 3896/2010 on the *«Implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation - Harmonizing current legislation with Directive 2006/54/EC of the European Parliament and of the Council, of 5 July 2006 and other relevant provisions»* the special framework was created for the implementation of the principle of equal opportunities and equal treatment of men and women in employment and occupation, by means of which the Greek legislator seeks to improve, simplify and codify in a new, single and coherent legislative text the current legislation, in the spirit and in accordance with the provisions of the Directive. The issue of equal pay of men and women is explicitly included in this context, specifying the requirements of the provisions in article 4, para. 1, articles 2 and 22, para. 1 of the Constitution that establish the general principle of equality and the right to equal pay for work of equal value.

In addition of ensuring harmonization with the above mentioned community directive, a synergy is sought among all competent institutional mechanisms of the State and their cooperation with social partners, NGOs and undertakings, in order to tackle in practice the Jack of equality on the grounds of sex in the Jabour market that hinders the participation of women in employment and increases thus female unemployment rates. The law aims at encouraging changes (proactive legislation) by establishing a network of provisions that ensure the effective implementation of the principle, by defining the competent body that will examine complaints related to its violation and by means of a system of extended legal protection together with adequate and preventive sanctions.

The provisions of the above mentioned Jaw have a wide scope of application that covers: persons employed or candidates to be employed in the Public and broader public sector as well as the private sector, under any working relationship or form of employment, including works contract and on salaried assignment basis, irrespective of the nature of services provided, but also freelance professionals, those in vocational training, or candidates for vocational training of any type and form⁴.

⁴ See article 17 of Law 3896/2010

The law's scope of application covers access to employment and recruitment conditions, prohibiting any form of direct or indirect discrimination on the grounds of sex or marital status, regarding the conditions of access to salaried or non-salaried employment or in general to professional life, including selection criteria and recruitment conditions, irrespective of branch of activity and at all levels of occupational hierarchy⁵. Moreover, it is prohibited to make any reference to gender or marital status or use criteria and facts that lead to direct or indirect discrimination on the grounds of sex, in accordance with the definitions in the law, in publications, notices, advertisements, public calls, circulars and regulations concerning selection of persons for vacant posts, provision of education or vocational training or occupational leaves.

The law defines the concepts of direct and indirect discrimination on the grounds of sex, and of sexual harassment, pay and occupational social security schemes⁶. Pay is defined as follows: *«e. the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives directly or indirectly, in respect of his/her employment from his/her employer»*⁷.

More specifically, article 3 of Law 3896/2010 includes an explicit prohibition of any form of direct or indirect discrimination on the grounds of sex, especially in terms of marital status. Harassment, sexual harassment, as well as any less favourable treatment because of tolerance to or rejection of such behavior, constitute discrimination on the grounds of sex and are prohibited. Moreover, it stipulates that a) any form of less favourable treatment of a person related to change of sex, b) an order which is discriminatory on the grounds of sex and c) less favourable treatment of women on the grounds of pregnancy or motherhood constitute discrimination on the grounds of sex.

Regarding the issue of equal pay of men and women, the content of the rule of equal pay of men and women is enriched, in compliance with article 22, para. 1 section b' of the Greek Constitution, article 4 of Directive 2006/54/EC, and the International Labour Law (ILC 100), and stipulates that: *«Men and women are entitled to equal pay for similar work and for work of equal value»*⁸.

Furthermore, the principle of equal pay is also furthered by virtue of other provisions that stipulate the following:

«2. a) Where an occupational classification system is used to determine wages, such system should be based on common criteria for male and female workers and should exclude discrimination on the grounds of sex.

*b) When designing and implementing staff appraisal systems related to their pay progression, the principle of equal treatment should be respected and discrimination on the grounds of sex or marital status should not be permitted»*⁹

With the above mentioned regulation the use of occupational classification and staff appraisal systems is not enforced on enterprises to determine wages. However, in cases where enterprises apply such systems, they should respect the principle of equal treatment of men and women and not allow discrimination on the grounds of sex in pay.

⁵ See article 11 of Law 3896/2010

⁶ See article 2 of Law 3896/2010

⁷ See article 2 sec e' of Law 3896/2010

⁸ See article 4 para.1 of Law 3896/2010

⁹ See article 4 para.2 of Law 3896/2010

Regarding access to employment, by virtue of the above mentioned law, any form of direct or indirect discrimination is prohibited on the grounds of sex or marital status, regarding the conditions of access to salaried or non-salaried employment or in general to professional life, including selection criteria and recruitment conditions, irrespective of branch of activity and at all levels of occupational hierarchy¹⁰. Moreover, it is prohibited to make any reference to gender or marital status or the use of criteria and facts that lead to direct or indirect discrimination on the grounds of sex, in accordance with the definitions in article 2, in publications, notices, advertisements, public calls, circulars and regulations, concerning selection of persons for vacant posts, provision of education or vocational training or occupational leaves.

Moreover, any form of direct or indirect discrimination is explicitly prohibited on the grounds of sex or marital status of the worker with regard to employment terms and conditions, promotions, and planning and implementation of staff appraisal systems¹¹.

Moreover, by virtue of article 13 of Law 3896/2010, any form of direct or indirect discrimination is prohibited on the grounds of sex or marital status in vocational guidance and training with regard to:

- Access to the content and the implementation of vocational guidance and re-guidance schemes or systems of any type and level, vocational training and retraining, apprenticeship, training to change job, further education, informing workers or their families and in general programs that contribute to their intellectual, financial and social development including acquisition of work experience or traineeship and trial periods,
- Laying down conditions and participation in exams to acquire diplomas, certificates or other documents or licenses and award of scholarships and educational leaves or granting of educational or other benefits.

Regarding protection against dismissal due to maternity, para. 1, article 36 of Law 3996/2011, replaced an older provision of para. 1, article 15 of Law 1483/1984 that prohibits and renders null and void the termination of a contract of employment or the working relationship of a worker by her employer both during her pregnancy as well as for a period of eighteen (18) months after childbirth or during her absence for a longer period due to illness related to pregnancy or childbirth, unless there is a serious ground for termination. The protection against termination of contract or employment relationship applies both a) to the employer who employs a woman who has given birth and has not been employed by any other employer previously, before completing eighteen (18) months after childbirth or the longer period provided for by the present law, and b) to the new employer who recruits the woman until completion of the above mentioned time periods. A possible reduced performance of the pregnant woman may in no case be considered as severe grounds.

Furthermore, article 16 ensures the right of a worker who has been granted maternity leave or the special leave for the protection of maternity to return to her job or to an equivalent job, at the end of such leaves, not under less favourable occupational terms and conditions and to make use of any improvement on her working terms she would be entitled to during her absence. Moreover, by virtue of article 20, such entitlement to return to the same post is also extended to workers who are granted any type of provided leave due to their child's birth, upbringing or adoption.

¹⁰ See article 11 para. 1 and 2 of Law 3896/2010

¹¹ See article 12 of Law 3896/2010

Article 20 ensures that any favourable provisions of law, decrees or regulations shall remain in force that regulate issues relating to the protection of pregnancy or maternity or the protection of paternity or the protection of family life. Moreover, it is stipulated that the employer may not refuse to recruit a woman on the grounds of pregnancy or maternity. At works where the presentation of a medical certificate is required for recruitment, a pregnant woman shall be hired without such certificate, if the required medical exams are risky for her and her baby's health. In such case, the presentation of a medical certificate shall be made after the end of maternity leave.

The regulations of the above law also refer to the legal protection and ensure that any person who believes that has suffered damages due to non-compliance with the law provisions, even after the termination of the relationship during which a discrimination is allegedly been made, is entitled to legal protection and to have recourse to the competent administrative authorities (SEPE) including the mediation procedures of the Ombudsman¹². The exercise of such rights does not affect the provided deadlines of an administrative or judicial redress. The same article stipulates that legal entities and associations of persons justifying a legitimate interest may, upon consent of the person affected by violations of this law, have recourse before the competent administrative or judicial authorities. Moreover, they may intervene in his/her defense before the administrative or judicial authorities.

Moreover, in case of violations of the above law, civil sanctions are imposed for the victim's full compensation that shall cover material and moral damages as well as administrative and penal sanctions, under the provisions of article 23 of Law 3896/2010, each time in force.

It has to be noted that by virtue of Law 4443/2016, that replaces Law 3304/2005, Directives 2000/43/EC «implementing the principle of equal treatment between persons irrespective of racial or ethnic origin», and 2000/78/EC on «equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, in employment and occupation» and 2014/54/EU «on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers» are transposed into our national law.

By virtue of this law the current legislative framework is improved and enhanced for the implementation of the principle of equal treatment and the prohibition of discrimination in employment and occupation in general. To this end, a broader scope of application is developed for the principle of equal treatment by introducing new grounds of discrimination and the Ombudsman is assigned with the task of monitoring the implementation of the principle of equal treatment in a uniform manner for the public, the broader public and the private sector¹³.

In any case, it has to be noted that Laws 3896/2010 and 4443/2016 provide for **important institutional tools** to combat discriminatory treatment at workplace, taking into account the vulnerable position of the worker who has suffered discrimination and all the difficulties in proving discrimination.

More specifically, the following constitute innovative institutional tools:

- **Reversal of the burden of proof:** According to article 24 § 1of Law 3896/2010 and article 9 of Law 4443/2016 «the defendant» or the other party or the administrative authority bears the burden of proof before a court or other competent authority, that there was no violation of the principle of equal treatment of men and women or violation of the principle of equal treatment on the grounds of race, colour, national or ethnic origin, descent, religious or other belief, disability or chronic disease, age, marital or social status, sexual orientation, gender identity or characteristics

¹² See article 22 of Law 3896/2010

¹³ For more details see below under the title *Monitoring mechanisms for the application of law*

in employment and occupation. By establishing the reversal of the burden of proof, serious difficulties almost always faced by workers-victims are overcome in proving a discriminatory treatment, since they usually are the weak party of a labour dispute. This tool, i.e., the reversal of the burden of proof is systematically used by the Ombudsman and has contributed to a great extent to the familiarization of inspected employers, (undertakings, bodies, services) with its application with positive results.

- **Protection against victimization:** Under article 14 of Law 3896/2010 and article 10 of Law 4443/2016 termination of the employment relationship is prohibited, and the unfavorable treatment of a person in general when it occurs as a counter measure to the termination or to a worker's request for the provision of legal protection in order to ensure compliance with the principle of equal treatment. According to the above articles, it is prohibited to terminate a worker's contract of employment who protested or made a complaint for discriminatory treatment and it is considered null and void as vindictive action. Moreover, any unfavorable treatment of a worker who protested or made a complaint about discriminatory treatment is prohibited.

- **Obligation to provide information and data:** Article 26 of Law 3896/2010 provides for a) the obligation of trade union organizations to inform their members about the regulations of this law, b) the obligation of employers to facilitate such information and take all necessary measures to prevent discrimination as well as the obligation to regularly provide data and information about the current situation of workers and the measures that they intend to undertake to further the principle of equal treatment and c) the obligation of the Ministry's services to provide information to trade union organizations and workers individually on the application of the law on equal treatment of men and women.

Moreover, it has to be noted that no terms of discriminatory or unequal treatment of persons on the grounds of sex have been found in the texts of collective regulations that are in force today and have been signed under Law 1876/1990 «*Free collective bargaining and other provisions*» as amended and in force today.

Monitoring mechanisms of the application of law

The Ombudsman

The Ombudsman is the body in charge of monitoring and promoting the application of the principle of equal treatment of men and women in employment and occupation (see article 25 of Law 3896/2010). Moreover, according to the recent law 4443/2016 (article 14 § 1), the Ombudsman is the body in charge of monitoring and promoting the application of the principle of equal treatment irrespective of race, color, national or ethnic origin, descent, religious or other belief, disability or chronic disease, age, marital or social status, sexual orientation, gender identity or characteristics in employment and occupation in the public and private sector.

In particular, the above mentioned Law 3896/2010, by virtue of which Directive 2006/54/EC was transposed into the Greek legislation, defined the regulatory framework for the application of the principle of equal treatment of both sexes in employment and occupation through a system of extended legal protection and innovative legal instruments. The Ombudsman is acknowledged as the monitoring body for the implementation of the principle of equal treatment of men and women in employment and occupation and the mediation body between the complainant and the party practicing discriminatory treatment on the grounds of sex, both in the public as well as in the *private sector*. In the private sector, the Ombudsman, in cooperation with the Labour Inspectorate (SEPE), that is legally responsible for the application of administrative penalties, is the body monitoring the implementation of the principle.

This complex cooperation makes the local units of labour inspection inform the Ombudsman immediately about complaints relating to discriminatory treatment and present to it the results of

their inspections¹⁴. The new legislative framework gives the Ombudsman the authority to formulate the final decision about the complaint based on the outcome of investigations conducted by the SEPE or data collected by the Authority itself following its own investigation. Assigning the Ombudsman with the formulation of the final decision ensures that the autonomy of body in charge of the application and promotion of the principle of equal treatment.

The Labour Inspectorate

The Labour Inspectorate (SEPE) is the main inspection mechanism of the Ministry of Labour Social Security and Social Solidarity to monitor the implementation of the labour law for dependent working relationships under private law of definite or indefinite duration, for full- or part-time employment.

The local SEPE Services (Industrial Relations Labour Inspection Units and Occupational Health and Safety Inspection Units) together with the Special Inspectors' Unit systematically conduct both preventive as well as repressive on-site inspections in enterprises on the implementation of the general protective labour law and in particular of provisions relating to working terms and conditions, working time, pay and other benefits as well as workers' health and safety. Moreover, article 2g of Law 3996/2011 stipulates that the SEPE «...*Shall monitor the application of the principle of equal opportunities and equal treatment of men and women in employment and occupation, especially under law 3896/2010 (A' 207), as well as adherence to the provisions on the protection of motherhood and reconciliation of professional, family and personal life¹⁵ and to the national general labour collective agreements each time in force*»

Regarding the responsibilities of the Labour Inspectorate, Law 3896/2010 places emphasis on the better implementation of the law on equal opportunities and equal treatment of men and women and re-establishes the Gender Equality Bureaus of the Labour Inspectorate that were typically established by virtue of para. 2 article 18 of Law 1414/1984. In this context, according to para. 2, article 28 of Law 3896/2010, the heads of Directorates of the Labour Inspectorate are required to appoint persons in charge of these Bureaus, in order to better serve the complainants in the context of this law and also to facilitate communication and cooperation with the Ombudsman when it operates as the body that monitors and promotes the principle of equal opportunities and equal treatment of men and women. Circular No. 1559/48 /14.01.2015 of the Ministry of Labour, Social Security and Welfare clearly defines the cooperation between the Services of the Ministry on issues relating to gender equality.

¹⁴ The above mentioned provisions reiterate the obligation of SEPE Services, when they receive complaints – inter alia also – regarding the implementation of Law 3896/2010, to legally conduct investigation about them and to inform the Ombudsman both on receipt of each complaint as well as at the end of investigations and in case they impose penalties. Moreover, these services have to address these complaints also following a demand of the Ombudsman, where they submit the outcomes of their actions, and in any case without prejudice to the Ombudsman's power to conduct investigation by itself and formulate the final decision about the complaint. The operative part of this decision must be implemented by the above mentioned services in the context of their sanctionary powers. Deviation from the operative part of the decision is allowed only by filing of precise and detailed grounds.

¹⁵ In particular of Law 1483/1984 (A'153), article 25 of Law 2639/1998 (A' 205), article 11 of Law 2874/2000 (A'286), article 7 of Law 3144/2003 (A'III), article 142 of Law 3655/2008 (A'58), P.D.176/1997 (A'150), as amended by P.D. 41/2003 (A'44).

Moreover, paras.5 to 12 of article 20 of Law 4443/2016 re-establish cooperation of SEPE Services with the Ombudsman, compared to the previous legislative framework established by virtue of article 25 of Law 3896/2010.

Under article 20, para. 5 of the above mentioned law, SEPE Services address cases falling within the scope of Law 4443/2016 either following a complaint or following a demand of the Ombudsman, without prejudice to the powers of the latter to conduct an inspection itself and formulate the final decision regarding the complaint.

Hence, SEPE Services in cases where they receive information or complaints on issues relating to the application of Law 4443/2016, immediately inform the Ombudsman, by forwarding to it the complaint (and any other information relating to the case) by communicating the date on which the labour dispute shall be discussed.

The labour inspectors, in examining a case of violation of the principle of equal treatment, take action at their discretion (invitation for written explanations, on-site inspection, etc.) and inform the Ombudsman at the end of their investigations and in case they impose penalties.

It has to be noted that at a special chapter of the SEPE Annual Activity Report, reference is made to the implementation and promotion of equal treatment in employment and occupation.

The Directorate for Planning and Coordination of Labour Relations Inspectorate of the SEPE Headquarters has prepared a table presenting detailed statistics on the application of the principle of equal treatment in employment and occupation which is supplemented by the Regional Directorates of Labour Relations Inspectorate providing thus immediate and continuous information on any violation.

The Department of Gender Equality in Employment

Moreover, from 1984 to date the Department of Gender Equality in Employment¹⁶ has been operating at the headquarters of the Ministry of Labour, Social Security and Social Solidarity under the Directorate for Working Terms and Conditions, with the following responsibilities:

«a) Considering and proposing necessary measures and actively participating in the formulation of international and community law and monitoring the implementation of the legislative framework relating to the principle of equal opportunities and equal treatment of men and women in employment and occupation, protection of maternity and reconciliation of professional, private and family life.

b) Collecting information and statistics on violations and granting of leaves for maternity, child care and parental leaves in general»

The General Secretariat for Gender Equality

The General Secretariat for Gender Equality (G.S.G.E.) is the competent state body for planning, implementing and monitoring policies on equality of men and women in all areas. On the one hand, it develops autonomous policies on gender equality over the entire public policy decision making process (by developing institutional synergies), in order to address transgender discrimination in every policy area.

¹⁶ Under article 8 of Law 1414/1984, article 15 of Law 3488/2006 and article 28, para.1 of Law 3896/2010 and paras. 2c' and 3c', article 13 of P.O. 113/2014.

The G.S.G.E is a stand-alone Public Service and is responsible for promoting and implementing equality in a legal and substantial manner in all areas of social, political and financial life. It is supervised by the Ministry of the Interior and Administrative Reconstruction and consists of the following two Directorates: the Directorate for Developing and Supporting Gender Equality Policies that plans, implements, monitors and documents the national policy on gender equality at central and regional level and the Directorate for Services towards Citizens and Bodies which is in charge of coordinating the general framework for cooperation, networking and provision of services towards citizens and bodies both in Greece and abroad on issues relating to gender equality, together with G.S.G.E's participation in international and national mechanisms¹⁷.

The General Secretariat for Gender Equality has established a Monitoring Mechanism for the implementation of gender equality policies across the public sector (Observatory on Gender Equality), that strengthens the administrative ability of the main policy making body on gender equality. More specifically, it aims at supporting governmental organisations in order to strengthen planned and implemented policies on gender equality by integrating them across all policies and actions together with the design of effective monitoring and evaluation systems.

The main operations and activities of the Observatory on Gender Equality are the following:

- Collecting, managing, analyzing and disseminating qualitative and quantitative data and indices on the current situation and developments in gender equality.
- Evaluating and monitoring planned and implemented policies on gender mainstreaming at all levels.
- Assisting to and improving the design and implementation of gender equality policies at all levels, by disseminating successful methods and best practices, through information, exchange of experience, know-how and information among bodies and officials at national and European level.
- Creating a Guide to non-sexist language in public documents.

The Observatory's specialized website is the portal to browse useful statistics by theme of the Beijing Platform for Action¹⁸. Moreover, the website includes the application on the boards' composition of the administration's collective bodies regarding the quota system provided for by Law 2839/2000 that requires 1/3 participation of women and specifies the conditions in order to

¹⁷ Its structure is included in the recent Organization of the Ministry of the Interior under articles 22-25 of P.O. 105/2014 (O.G. 172/A/2014).

¹⁸ Beijing Platform for Action (BPfA): http://paratiritirio.isotita.gr/genqua_portal/

apply derogations from the law¹⁹. The project was acknowledged as good practice by the EU in 2016²⁰ (See also below under Chapter *Measures* and under the heading *For decision-making centres*).

Measures and policies

Gender pay gap

The gender pay gap is a complex issue and there is a need to implement simultaneous measures in all relevant areas, to deal with it. The General Secretariat for Gender Equality by means of the National Action Plan for Gender Equality gives priority to the reduction of occupational segregation on the grounds of sex in the labour market, starting from education and the measures to reconcile professional and family life and promote the principle of equality in enterprises.

A new Action Plan on Gender Equality (NAPGE) is adopted which is now being finalized for the period 2016-2020. The National Plan for Gender Equality includes six priority axes relating to the following areas: *Social cohesion, poverty, immigration and multiple discrimination - Labour Market and reconciliation of family and professional life - Education, training, civilization, sports and media - Health - Transgender Violation - Decision-Making Centres*²¹. The NAPGE 2016-2020 was included as a good practice example in the European Commission's Review on Equality between Men and Women 2017²².

Key objectives of the new National Action Plan for Gender Equality in education are the modernization of the social model, the smart use of the educational process to combat gender

¹⁹ Article 6 Law 2839/2000 (O.G. 196A') - Issues of the General Secretariat of Equality

1.a) In every board of public services, of Legal Persons governed by Public Law or of Local Authorities, the number of members appointed by the Administration of every sex shall be equal to at least 1/3 of those determined in accordance with the provisions in force, provided that, in the service in question there is a sufficient number of employees who has the legal conditions for appointment and that the members appointed are more than one.

b) In the case of appointment or indication by the State, by the Legal Persons governed by Public Law or by Local Authorities, of members of the board of directors or of other collective management bodies of Legal Persons governed by Public Law or of Local Authorities, the number of persons appointed or indicated for each sex is equal to at least 1/3 of the appointed or indicated according to the provisions in force, if the members appointed or indicated are more than one.

The provisions of subparagraphs (a) and (b) shall apply to the service boards, the boards of directors and the collective bodies established after the entry into force of this law.

²⁰ European Commission, March 2016, http://ec.europa.eu/justice/gender-equality/files/annual_reports/2016_annual_report_2015_web_en.pdf.

²¹ For the text in Greek

See <http://www.isotita.gr/ethniko-programma-drasis/> and for the text in English

See <http://www.isotita.gr/wp-content/uploads/2017/07/Greece-National-Action-Plan-on-Gender-Equality-2016-2020.pdf>

²² http://ec.europa.eu/newsroom/document.cfm?doc_id=43416, cri::A..51-52

stereotypes, promoting gender balance in education, science and research, and eliminating all forms of gender discrimination. Gender mainstreaming in education could help reduce the traditional job choices of students.

Furthermore, the phenomenon may be addressed through the functioning of the Monitoring Mechanism (Observatory), which collects data based on indices derived from the areas of the Beijing Platform for Action. One of these indices is the pay gap. Data collection about this important issue will be the first step to adopt adequate policy measures. Finally, improving the family, professional and private life reconciliation is within the necessary actions to bridge the pay gap.

Among the objectives of the new period is the depiction of gender differences in the labor market, encouraging the participation of women in the labor market and the improvement of women's working conditions through actions related to the pay gap, occupational segregation and hence the pension gap. To this end, the General Secretariat for Equality aims to promote the principle of equality in enterprises.

The planned measures concern the following:

- Commitment of partners to implement the principle of gender equality by preparing Equality Plans/Equality signs and connection with the European Charter for Equality of Regions.
- Establishing Equality Signs and Gender Equality Awards for Enterprises.
- Networking and awareness raising about business benefits of gender equality and equal pay for companies and promoting the principle of equal pay among employers.
- Designing a "salaries and wages calculator", which provides timely and easily accessible information on the normal wages in a sector/region. (Details will be provided by businesses and chambers that have committed themselves to implement the principle of equality).
- Awareness raising among the society for the pay gap and more specifically, establishing the Day of Equal Pay and participating in European Equal Pay Day.

Decision making

In promoting women's participation in public life and empowering them to participate in political, social and economic decision-making centers, the GSGE has undertaken the following activities:

- The GSGE, designed in cooperation with the National Centre for Public Administration and Local Government (EKKDA) a Project entitled: "Strengthening and improving skills of female civil servants in Central Administration, public entities, private entities and Local Administration to be employed in senior positions". The project includes designing training programs, developing training materials and implementing three (3) training activities:

- The role of the service board to increase participation of women in positions of responsibility in Public Management & Administration
- Enhancing the participation of women in positions of responsibility in Public Administration and Government (empowerment workshops)
- Awareness Raising Workshops for all civil servants in the central and regional authorities aiming to increase the participation of female civil servants in higher positions within the Public Administration.

- To support the participation of women in positions of political responsibility at regional and local level the GSGE has implemented the Project "Encouraging and supporting the participation of women in positions of political responsibility and representation at regional and local level". The Project was designed in the context of the NSRF of the GSGE. It is implemented by the beneficiary PETA SA, in cooperation with the Central Union of Greek Municipalities (KEDE) and the Association of Regions (EN PE) and is aimed at the empowerment of women involved in politics at Municipal and Regional level. Under this project, among others, 17 training seminars (1,000 women elected) have been held, in the all Regions of Greece.

- To support the participation of women in positions of political responsibility and representation at national and European policy level, the GSGE has implemented a Project of activities to encourage and support the participation of women in positions of political responsibility and representation at national and European level. This Project was designed, joined the NSRF and its implementation was assigned to the Research Center for Gender Equality (KETHI). More specifically, the project applied to:

- women elected at national or European level
- women candidates in electoral processes (national elections, European elections), who until now have not been elected, and
- Political parties, institutions and decision-making bodies involved in the electoral process and the claim of political power. The project includes, among other things, conducting training seminars /training women candidates for elections. This work is ongoing (see the relevant website www.gynaikes-politiki.gr)

- To empower women for their participation in economic decision-making centers the GSGE has implemented the programme (under PROGRESS 2013-2014), entitled "Positive actions for women for their promotion in economic decision-making centers". The Programme included among other, actions such as local, sectoral workshops for women and men corporate executives, HR Managers, etc. and coaching-leadership workshops, workshops for women (middle and senior managers). The programme is completed in December 2015.

-The GSGE collects data from competent bodies (Public sector and Municipalities), to monitor the composition of boards of collective bodies regarding the quota system of 1/3 participation and identifies any failure within the current legislative framework when needed. Such monitoring will be soon carried out by staff of the GSGE, through a special Application for Quota Monitoring, developed under the Flagship Project «Monitoring the Structure of Gender Equality Mechanism and Supporting its Implementation (OBSERVATORY)». All competent bodies are obliged by the law to comply with the quota system that requires 1/3 participation of women in the composition of their collective boards and this mechanism will identify cases of non compliance.

Gender mainstreaming

The General Secretariat for Gender Equality has supported the creation of methodologies and toolkits aiming to gender mainstreaming in public policies placing emphasis on 13 Regions and the 15 most populated Municipalities of Greece. One of their elements is also the promotion of female employment at regional and local level (e.g. measures for the reconciliation of family and professional life, so that more women are able to enter into the labour market).

Moreover, the General Secretariat for Gender Equality undertakes a number of networking and publicity actions relating to consultations with various bodies on policy making and dissemination of information on issues relating to gender equality with a view to informing and gender mainstreaming in their task. Indicative examples are the actions undertaken in July 2017 that are presented at the General Secretariat's website. These actions were addressed to public and social bodies with prominent presence in the political, economic and social life of the country, i.e., the

Greek Parliament, Independent Authorities, Ministries, and Permanent Representations of Greece to International Organisations as well as social partners.

As an example we could mention the following:

- Participation of the General Secretariat for Gender Equality in the meeting organized by the Attica Region on «Consultation on actions relating to gender equality at Northern Athens» (Agia Paraskevi, 7/7/2017).
- Forwarding an information note to the World Bank on 10/7/2017 in English about the «National Action Plan on Gender Equality 2016-2020».
- The Secretariat's «Committee for the promotion and monitoring of gender equality policies at local self-government agencies», has submitted proposal for regulations on gender mainstreaming in policies of the local and regional administration in light of the review promoted by the Ministry of the Interior concerning the local self-government's legislative framework (Athens, 17/7/2017).
- On 25/7/2017, uploading comprehensive material about statistics on the status of women in Greece, based on newsletters of the Secretariat's Observatory on Gender Equality, to the «EuroGender» online platform of the European Institute for Gender Equality.
- On 25/7/2017, public information and awareness raising action together with the Hellenic Parliament on the call of the EU Fundamental Rights Agency (FRA) for tender concerning research and analysis services about fundamental rights.
- Information and awareness raising in Greece and abroad on 24/7/2017 and press release on 25/7/2017 concerning the status of women in the world in the context of implementing the Sustainable Development Goals (UN, High Level Political Forum on Sustainable Development, New York, 10-19/7/2017).
- Participation of the General Secretariat in consultations held by the General Secretariat for Trade and Consumer's Protection of the Ministry of Finance and Development on the «National Strategy for Corporate Social Responsibility and Entrepreneurship» (Athens, 20/7/2017) and presentation of the Secretariat's proposals at the «Citizens» TV program on channel ERT (Agia Paraskevi, 24/7/2017).
- Information and awareness raising action of bodies in Greece and EU institutions on 7/7/2017 about the 9th Newsletter of the Secretariat's Observatory on Gender Equality concerning the education of girls and women (July 2017).

The majority of above mentioned measures (except those referring to the pay gap and the enterprises, that are very recent and are not yet implemented in practice) have already been put in place, yet a period of time is needed to get a response and achieve cooperation between all jointly competent parties in order to have actual results as requested by the UWE. To this end, the GSGE is trying by all available means to raise awareness among the general public as well as the public and private bodies on gender pay gap and equal representation of women in decision- making centres.

Statistics

The Observatory on Gender Equality collects statistics concerning 12 thematic areas of the Beijing Platform for Action (pay gap is included in the *Women and Economy* thematic area while the participation of women in decision making centers is a separate thematic area) in cooperation with the Hellenic Statistical Authority (ELSTAT).

Below you can find statistical data on pay rates of men and women, as well as on the gender pay gap, by age group and educational level. The figures refer to the years 2010 and 2014 and result from the Survey for the Structure and Distribution of Remuneration which is being conducted by ELSTAT every four years.

In this survey, it is clear that the overall rate has been reduced from 15.04% in 2010 to 12.48% in 2014.

AGE_Group	2014			2010		
	HOURLY PAY RATE		GPG	HOURLY PAY RATE		GPG
	MALE	FEMALE		MALE	FEMALE	
Total	10,05	8,80	12,48	11,80	10,03	15,04
0-24	4,68	4,71	-0,57	5,98	6,46	-8,02
25-34	6,90	6,77	1,87	8,59	8,33	3,03
35-44	9,53	8,73	8,40	11,55	10,29	10,85
45-54	12,17	10,40	14,60	14,22	11,60	18,39
55-64	13,49	11,13	17,54	16,03	12,97	19,11
65+	15,37	14,59	5,08	18,40	15,13	17,79

GPG:	The Gender Pay Gap is the result of the following calculation: gross hourly pay rate of men minus gross hourly pay rate of women divided by gross hourly pay rate of men multiplied by 100.
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ISCED (Education level)	2010			2014		
	HOURLY PAY RATE		GPG	HOURLY PAY RATE		GPG
	MALE	FEMALE		MALE	FEMALE	
Total	11,80	10,03	15,04	10,05	8,80	12,48
iscd 0-2	9,25	7,30	21,12	7,76	6,01	22,51
iscd 3-4	10,09	8,36	17,13	8,30	7,10	14,48
iscd 5-6	15,89	12,89	18,88	12,81	10,87	15,14
iscd 6	19,60	16,09	17,90	16,82	13,90	17,36

201	
Basic education (Isced: 0 Less than primary, 1 primary education & 2 Lower secondary)	Up to Gymnasium
ISCED 3 and 4 (Upper secondary and Post-secondary non-tertiary education)	Lyceum, IEK, higher institutes
ISCED 5 & 6 (Tertiary education, Short-cycle tertiary & Bachelor or equivalent)	Universities, Technological Educational Institute
ISCED 6 (Tertiary education (Master or Doctoral))	Master's or Doctoral level

Regarding the number of complaints relating to violations of the principle of gender equality

Although the Ombudsman investigates on a yearly basis almost 500 complaints falling within the scope of Law 3896/2010, the number of complaints relating to issues of equal pay was very limited over time.

Although citizens may file with the SEPE complaints on violation of the principle of equal treatment in employment and occupation, they are reluctant to do so. As a result the SEPE has limited information about the extent of the problem. Finally it has to be noted that up to 2016 no

complaints have been recorded on violations relating to issues of gender pay gap.

With regard to the public sector, where the working and pay terms and conditions are transparent and easier to monitor, cases of indirect pay gaps between men and women for equal or similar work are almost non-existent.

Informing and Awareness Raising among the Labour Inspectors

Improving the implementation of national law on equal opportunities and equal treatment of men and women in employment and occupation (Law 3896/2010) is a priority for the Ministry of Labour, Social Security and Social Solidarity.

In this context informing and raising awareness among the Labour Inspectors was deemed necessary on issues relating to gender equality in order to improve their services towards the citizens and enhance their inspection, conciliatory and informing task by means of special training designed and implemented to this end by the Institute of Training of the National Centre for Public Administration and Local Government (EKDDA) in cooperation with our Ministry, the Ombudsman and the GSGE.

More specifically, a special training program was designed and implemented entitled «Training Instructors of Labour Inspectors on equal opportunities and equal treatment of men and women in employment», in order to create officials-multipliers specialized on gender, employment and inspection mechanisms.

In 2014, nine seminars were implemented entitled «Training Industrial Relations Labour Inspectors, SEPE Officials, on gender equality issues, (6 in Athens, 2 in Thessaloniki and 1 in Patras). Almost 200 Industrial Relations Labour Inspectors actively attended those seminars while their training was completed with their participation in a two day workshop entitled «Follow up in SEPE officials' training in matters of gender equality». Those seminars started in 2014 and were completed in 2015.

Furthermore, the Ombudsman, the body to promote the implementation of equal treatment, has organized and still schedules actions to inform citizens and jointly competent bodies (for example the SEPE) about the reversal of the burden of proof, the protection of workers against victimization and in general protection in the context of Law 3896/2010.

Conclusion

Greece is in compliance with Article 4 (3) and Article 20 of the Rev.ESC as it seeks, through the legislation outlined above and the measures adopted, to achieve the desired result, namely the gradual reduction until total elimination in practice of the phenomenon of the wage differentiation between men and women. On the one hand, the legislation is in full compliance with the requirements of Articles 4 para 3 and 20 of the Rev.ESC (equality of pay is provided for, both in the Constitution and in more specific laws, while the right to appeal to court in case of violation of the principle of equal pay and the reversal of the burden of proof in favor of the employee in a trial for breach of the principle of equal treatment in general, are also provided) and the Greek Government has implemented the measures set out above to address the issue.

As the relevant articles of the Rev.ESC imply for the state an obligation of means rather than one of result, the Greek government asks for the acknowledgement of its effective efforts to reduce the phenomenon of the gender pay gap.

Furthermore, in relation to the complainant organization's request for compensation from the Greek State as to the legal costs (see Chapter V of the Compliant), and directly to the author of the complaint, we note that there is no such obligation on the part of the respondent government, as there is no provision for this in the Collective Complaints Protocol of the European Social Charter. In any event, the amount claimed is totally arbitrary, as it is not justified or evidenced by any accompanying documents. Therefore, we ask that this request be rejected.

On the basis of all the above, we believe that the legislation and practice of the Greek Government on this issue is compatible with the obligations our country has undertaken to implement the above-mentioned provisions of the Revised European Social Charter and we ask that the complainant's allegations as to the violation of Article 4 para 3, 20 and E of the Rev.ESC be considered unfounded.

**THE SECRETARY GENERAL
OF THE MINISTRY OF LABOUR,
SOCIAL SECURITY AND SOCIAL SOLIDARITY**

ANDREAS NEFELOUDIS