



European  
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CONSEIL DE L'EUROPE

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

28 May 2018

**Case Document No. 9**

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

**FURTHER RESPONSE FROM THE GOVERNMENT ON THE  
MERITS**

**Registered at the Secretariat on 20 April 2018**



**Further 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**

*Introductory remarks*

Further to our observations on the merits of collective complaint 131/2016, *University Women of Europe v. Greece*, and following the letter of 04 April 2018 from Mr Henrik Kristensen, Deputy Executive Secretary of the ECSC, we hereby submit our further observations on the merits of the allegations alleged by the complainant organization in both its/their memorandums (the collective complaint and their response to Greek Government's submissions on the merits).

The Greek Government fully reiterates what has already been reported in the first Greek memorandum on the merits of the collective complaint 131/2016 and wishes to highlight the following, in response to the allegations made by the complainant organization:

*As to the national law*

The general principle of equality is constitutionally established together with the right to equal pay for work of equal value<sup>1</sup>.

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*» a special framework was created for the implementation of the principle of equal opportunities and equal treatment of men and women in employment and occupation.

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 lack of equality on the grounds of sex in the labour 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.

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<sup>1</sup> Article 4, para. 1, articles 2 and 22, para.1 of the Constitution establish the general principle of equality and the right to equal pay for work of equal value.

The law's scope of application has been already described previously in our observations on the merits of the complaint<sup>2</sup>.

The law defines the concepts of direct and indirect discrimination on the grounds of sex, and of sexual harassment, pay and occupational social security schemes<sup>3</sup>. The said law 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 favorable treatment because of tolerance to or rejection of such behavior, constitute discrimination on the grounds of sex and are prohibited.

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»*<sup>4</sup>.

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»*<sup>5</sup>

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.

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 hierarchy<sup>6</sup>. Moreover, it is prohibited to make any reference to gender

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<sup>2</sup> The provisions of the above mentioned law 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 form. The law 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 hierarchy.

<sup>3</sup> See article 2 of Law 3896/2010

<sup>4</sup> See article 4 para.1 of Law 3896/2010

<sup>5</sup> See article 4 para.2 of Law 3896/2010

<sup>6</sup> See article 11 para.1 and 2 of Law 3896/2010

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 systems<sup>7</sup>.

Any form of direct or indirect discrimination is prohibited on the grounds of sex or marital status in vocational guidance and training (as specified in our observations on the merits).

Regarding maternity leave, protection against dismissal due to maternity, issues relating to the protection of pregnancy or maternity or the protection of paternity or the protection of family life, special provisions are in force (as described analytically in our previous observations on the merits).

The regulations of the said 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 Ombudsman<sup>8</sup>.

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.

As already mentioned (in our observations on the merits) by virtue of **Law 4443/2016**, that replaced Law 3304/2005, Directives 2000/43/EC<sup>9</sup>, 2000/78/EC<sup>10</sup> and 2014/54/EU<sup>11</sup> 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 sector.**

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<sup>7</sup> See article 12 of Law 3896/2010

<sup>8</sup> See article 22 of Law 3896/2010

<sup>9</sup> Directive 2000/43/EC «implementing the principle of equal treatment between persons irrespective of racial or ethnic origin»

<sup>10</sup> Directive 2000/78/EC on «equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, in employment and occupation»

<sup>11</sup> Directive «on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers»

In any case, it should be noted that Laws 3896/2010 and 4443/2016 provide for **important institutional tools** to combat discriminatory treatment at the workplace, such as the **reversal of the burden of proof**<sup>12</sup>, the **protection against victimization**<sup>13</sup> and the **obligation to provide information and data**<sup>14</sup>:

Moreover, it should 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.

It is worth mentioning that the Greek Government has recently ratified the Council of Europe *Convention for the Prevention and Combating of Violence against Women and Domestic Violence*<sup>15</sup>, with a view to further enhancing the protection of women.

Furthermore a **new bill on Substantive Gender Equality and on combating gender-based violence** has been drafted under the initiative of the **General Secretariat for Gender Equality (GSGE)**, put into public consultation from 6 to 20 March 2018 and **is now ready to be submitted to the Hellenic Parliament and become national law**. It is the **first attempt in Greece of drafting a horizontal bill aiming at the creation of all those circumstances that could lead to the achievement of substantive gender equality and the elimination of gender inequalities in all sectors of public, social and economic life**. The notions of gender mainstreaming and gender budgeting are introduced for the first time into a legislative text. A chapter is dedicated to “gender mainstreaming in private life and labour” with articles concerning provisions on behalf of the employer for the substantive gender equality in labour, social dialogue, establishment of Equality Signs and Gender Award for enterprises adopting gender equality corporate policies.

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<sup>12</sup> «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. 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.

<sup>13</sup> 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. Moreover, any unfavorable treatment of a worker who protested or made a complaint about discriminatory treatment is prohibited.

<sup>14</sup> 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.

<sup>15</sup> Law 4531/2018 (OG 62 A’/05-04-2018)

*As to the mechanism for monitoring and promoting the application of the principle of equal treatment*

As described analytically in our observations on the merits, **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.

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 inspections<sup>16</sup>. 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 the autonomy of the body in charge of the application and promotion of the principle of equal treatment.

**Ombudsman and SEPE are working closely together to effectively detect violations regarding gender issues.** The cooperation of the two bodies is based on article 25 of Law 3896/10. Complaints or information received by a public authority about the application of this law shall be transmitted to the Ombudsman. As far as the scope of the Labor Inspectorate (SEPE) is concerned, the local Labor Inspectorates deal with the abovementioned complaints and immediately inform the Ombudsman and have the obligation to submit the results of their actions, leaving in any case the competence of the Ombudsman for his own research and formation of the final a conclusion on the complaint".

Moreover, as provided for in Law 4443/2016, SEPE, may impose administrative penalties of one thousand (1,000) to five thousand (5,000) euros, when it is decided that there is a case of unequal treatment based on sex. Administrative penalties are imposed "at any stage of access to work and employment, when concluding or refusing to enter into an employment relationship

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<sup>16</sup> 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.

or in the duration, operation, development or solution thereof" (Art. 11, par. 2), in which discretionary treatment by reason of race, color, ethnic origin, birth, religion or other belief, disability or chronic illness, age, family or social status, sexual orientation, identity or gender.

It follows from the above that the Ombudsman and SEPE act in a coordinated way, independently and complementarily at the same time, in order to combat gender discrimination at all stages of the examination of complaints.

Labor Inspectors, in order to effectively detect gender issues violations, have attended **specialized training seminars** with the collaboration of the Ministry of Labour, Social Security and Social Solidarity, the General Secretariat for Equality and the Ombudsman. In particular, eight (8) educational actions were carried out in 2013-2014, including 21-hour training sessions of three days duration, followed by two-day workshops three months after the completion of the basic seminar on practical application and assimilation of practical knowledge.

In addition, the Labor Inspectorate actively participates in **awareness raising campaigns** and exchanges views and know-how with relevant stakeholders and citizens. Indicatively, we mention the participation of SEPE in a workshop "*The implementation of Law 4443/2016 on employment and work in the private sector. The role of the SEPE and the Ombudsman*" organized by the Ombudsman for the equal treatment of men and women in Athens and Thessaloniki in October-November 2017 with the participation of 40 Inspectors from all over Greece.

As stated in the explanatory report of the aforementioned law, the transfer of responsibilities to the Ombudsman "is undoubtedly a legislative intervention on the improvement of the promotion and implementation of the principle of equal treatment in the country as the Ombudsman, as an independent authority, and in particular the Commissioner for the Protection of Human Rights, enjoys the "Paris Principles", constitutionally or legally guaranteed independence, autonomy over the executive, broad legitimacy, extensive scope of competences, effective research power and sufficient resources to carry out its tasks. It is therefore clear that the Ombudsman fulfills the safeguards and standards laid down in Directives 2000/43 / EC, 2000/78 / EC and 2014/54/EU for the functioning of an independent and effective supervisory body of the principle of equal treatment".

The Ombudsman, when acting as an equality body, has broader responsibilities. According to Article 19 of the same law, the Ombudsman is responsible for matters relating to the services of: a) the State; b) the local and regional authorities; c) other legal entities governed by public law; d) State-owned legal persons governed by private law, public undertakings, undertakings of local authorities and undertakings the management of which is directly or indirectly designated by the State by an administrative act or as a shareholder. In addition, when the Ombudsman acts as an equality body, natural and legal entities of private law, including banks, fall also within its competence.

When the Ombudsman acts as a body to monitor and promote the application of the principle of equal treatment, the Ombudsman is dealing with cases pending before courts, tribunals or prosecutors, until the first hearing in the audience or the prosecution is taking place, or until the competent court or the competent judicial authority has ruled on an application for interim judicial protection (art.19 para4 Law 4443/2016).

Within the framework of its mission to monitor and promote the implementation of the principle of equal treatment, the Ombudsman:

- i. Provides assistance to victims of discrimination on grounds of race, color, ethnic or national origin, birth, religion or other belief, disability or chronic illness, age, family or social status, sexual orientation, gender identity or gender



mediating by any appropriate means to restore the application of the principle of equal treatment. Insofar as such mediation does not produce satisfactory results, the Ombudsman sends an opinion to the competent body responsible for the exercise of disciplinary or punitive authority, who is under the obligation to inform the Ombudsman accordingly,

- ii. Conducts investigations into discrimination
- iii. Publishes special reports on the application of the principle of equal treatment, including recommendations for measures to be taken to eliminate discrimination,
- iv. Expresses an opinion, ex officio or on the request of another public authority, on the interpretation of the relevant law,
- v. Exchanges information and cooperates with counterparts from the Member States of the European Union and with relevant European bodies, such as on gender issues, with the European Institute for Gender Equality set up by European Parliament Regulation (EC) 1922/2006 Parliament or Council of 20 December 2006 (OJ L 403), or on EU-level employment issues such as Your Europe, SOLVIT, EURES and the Enterprise Europe Network,
- vi. Cooperates with the General Secretariat for Transparency and Human Rights of the Ministry of Justice, with the General Secretariat for Gender Equality of the Ministry of Interior and Administrative Reconstruction, with the Ministry of Labor, Social Security and Social Solidarity, with the social partners, enterprises and non-governmental organizations to inform and disseminate good practices on equal treatment and to organize training sessions.

In cases of violation of the principle of equal treatment, the Ombudsman deals with cases where the report is filed within twelve (12) months while the general deadline for filing a report is 6 months<sup>17</sup>.

Complaints or information received by a public authority on the application of the principle of equal treatment is transmitted to the Ombudsman. Public services responsible for inspecting or sanctioning individuals, such as the local Labor Inspectorate Bodies, or Public Law Legal Entities, as well as professional or scientific associations in the course of disciplinary or sanctioning jurisdiction over their members, when they receive complaints about the application of the law on equality issues, they carry out their own investigation according to the law and they inform the Ombudsman without delay both upon receipt of each complaint and after the completion of their investigation or the imposing of any possible sanctions. The aforementioned bodies have to deal with such complaints and by order of the Ombudsman, to whom they submit the results of their actions, without prejudice to the Ombudsman's competence to investigate and form the final conclusion on the complaint .

For the implementation of the relevant law and in order to redefine the cooperation of "Ombudsman" and "SEPE", the Ministry of Labour, Social Security and Social Solidarity issued a circular<sup>18</sup> which was sent to all SEPE Services. In the said circular, the cooperation procedure

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<sup>17</sup> The Ombudsman deals with any matter within his / her sphere of competence, upon a signed report of any natural or legal person or association of persons. The petition shall be filed within six (6) months after the person concerned has been fully aware of the actions or omissions for which he or she complains to the Ombudsman.

<sup>18</sup> Circular ref.number 17341/501 / 11-04-2017.

between the Ombudsman and SEPE is being described.

*As to the General Secretariat for Gender Equality (G.S.G.E.)*

As already stated, 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. 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.

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 organizations 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.

A new Action Plan on Gender Equality (NAPGE) is adopted which is now being finalized for the period 2016-2020<sup>19</sup>. The NAPGE 2016-2020 was included as a good practice example in the European Commission's Review on Equality between Men and Women 2017<sup>20</sup>. The National Action Plan for Gender Equality 2016-2020 (NAPGE) has incorporated "Labour Market and work-life balance" as well as "Equal participation of women in decision-making positions and processes" among its strategic goals for the current period. The Action Plan outlining the objectives and intended actions has been officially translated in English and can be found in the General Secretariat for Gender Equality (GSGE) website: <http://www.isotita.gr/wp-content/uploads/2018/02/National-Action-Plan-for-Gender-Equality-2016-2020.pdf>.

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.

GSGE's activities for promoting women's participation in public life and empowering them to participate in political, social and economic decision-making centers have already been described in detail in our previous memorandum. The General Secretariat for Gender Equality, as previously also referred to, has supported the creation of methodologies and toolkits aiming to gender mainstreaming in public policies. Moreover, the General Secretariat for Gender Equality undertakes a number of networking and publicity actions relating to consultations with

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<sup>19</sup> 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 Centers*. 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>

<sup>20</sup> [http://ec.europa.eu/newsroom/document.cfm?doc\\_id=43416](http://ec.europa.eu/newsroom/document.cfm?doc_id=43416), σελ.51-52

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 have also been reported.

It is worth mentioning that even though the National Action Plan for Gender Equality is already in progress, taking action on addressing gender inequalities in all aspects of public life should be an on-going process. To this direction, the GSGE makes sure to use any available funding tool or mechanism in order to submit specific proposals concerning the debated issues of unequal pay and unequal participation of women in private companies' governance. For example, in the framework of the **European Commission's Rights, Equality and Citizenship Work Programme 2014-2020**, the GSGE participated to the "**Restricted Call for proposals to address gender gaps over the life-cycle**". The proposal was submitted in partnership with other stakeholders and dealt with the persistence of the gender pay gap, the gender earnings gap and the gender gap in pensions that hinder women's economic independence. The proposal is under evaluation and the final results are expected by September 2018. Under the same Programme, a proposal is currently being prepared responding to the "Open call for proposals to address: A) equal participation of women and men in public fora, in leadership positions in politics and in the corporate sector; B) to support public authorities and civil society in relation with the 'New Start to Support Work-Life Balance for Parents and Carers' initiative". The proposal will be submitted by the end of June 2018.

*As regards actions supporting the integration of women into the labour market*

Information on actions supporting the integration of women into the labour market is provided below.

- Through the Social Work Programs, the most vulnerable groups of the population are linked to the labor market, with an 8-month employment scheme, with full insurance rights and the ability to improve their skills through vocational training seminars accompanied by qualification certification.
- At the same time, two employment programs are implemented, which combine the acquisition of work experience in enterprises with workplace supervision and then integration into new jobs, in the same or other enterprises, for subsidized employment (duration 12 months). The first program concerns unemployed young people aged 18-24 and the second concerns unemployed young people aged 25-29. Emphasis is placed on long-term unemployed, women with young children and graduates with professional qualifications with high unemployment rate. Particularly, priority is given to parents of minors, with absolute priority for mothers of underage children.
- Programs for the creation of 15,000 new jobs, (duration: nine months) have been planned and implemented that place emphasis on long-term and very long-term unemployed, women and unemployed people, mainly over 50.
- There is also a Special Employment Program for 4,000 unemployed in the public health sector<sup>21</sup>. The program aims to tackle unemployment directly of groups of unemployed who have general, formal or even additional recruitment skills and can work in the public health sector, with priority for long-term unemployed and vulnerable groups of unemployed, registered unemployed in the OAED unemployed registers. The following groups are defined as vulnerable: i. registered unemployed in the OAED unemployed

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<sup>21</sup> According to article 64 of Law 4430/2016 (A 205), as amended and in force.

registers, spouses - members of families in which neither spouse is employed. ii. registered unemployed in the OAED unemployed persons' registers, heads of single parent families. iii. registered unemployed in the OAED unemployed people's register, beneficiaries of the "Social Solidarity Income " (KEA).

- In the context of Operational Program «Human Resources Development» programming period 2007-2013, the action «Reconciliation of family and professional life» has been implemented. The main objective of this action is to increase female employment and their participation in employment on equal terms, substantially facilitating them to respond to their demanding and conflicting roles, i.e. care for their family and protect their children. This objective was achieved by assisting women and providing care services for babies, infants, children, teenagers and persons with disabilities. Women beneficiaries enjoy this facilitation via a voucher granted for their children. The total number of beneficiaries of this action in the context of EPANAD 2007-2013, (during seven (7) school years from 2008-2009 till 2014-2015 {*during the last period co-financing refers only to convergence regions*}), was almost 210 thousand (data concerning February 2016) at a budget of almost 660 million euros. Because of its importance, the action «Reconciliation of family and professional life» continues also during the new Programming Period 2014-2020. More specifically, it is specified by a Joint Ministerial Decision<sup>22</sup> that the action aims at substantially assisting beneficiaries in order to ensure their access to employment on equal footing, by providing qualitative care services for babies, infants, children, teenagers and persons with disabilities, and the access of vulnerable groups (children and persons with disabilities) to qualitative social services on equal footing.
- More specifically, a program for the harmonization of family and professional life is being implemented. For the school year 2017-2018 it has a total budget of 205,000,000 €. The action concerns the provision to mothers (and fathers who have the custody) of child care and childcare facilities, structures (public and private) in the following categories: Infantile Stations, Nursery Stations, Nursery Centers, Centers for Creative Pastime of Children (KADAP), Child Care Centers for Disabled children, Centers for the Creative Pastime of Children with Disabilities (KADAP - MEA).

#### *As regards gender pay gap statistics*

With regard to the information on the gender pay gap statistics, as has already been shown in our observations on the merits, **the gender pay gap in Greece, showed a decrease of 2.5 percentage points from 15% in 2010 to 12.5% in 2014, and is lower than the corresponding average rate at EU-level of the 28 Member States**, where it increased slightly from 16.4% in 2010 to 16.7% in 2014, and fell to 16.3% in 2015 (see table that follows).

As indicated in the 2018 European Semester: Draft Joint Employment Report, the possible reasons for the gender pay gap (EU) include differences in work experience, working time, type of work or the employment sector, due, to a certain extent, to discrimination in the labor market.

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<sup>22</sup> Joint Ministerial Decision no.16/ 578/EYSEKT/66166/22-06-2016 (O.G. 1850/B'/24-06-2016)

**Table 1: Gender Pay Gap (%)**

	2010	2011	2012	2013	2014	2015
<b>EU (28)</b>	16,4	16,9	17,3	16,8	16,7	16,3
<b>Greece</b>	15,0	:	:	:	12,5	:

Source: a) EU (28): Eurostat<sup>23</sup> (Extracted on 25/01/2018), b) Greece: Hellenic Statistical Authority, Structure of Earnings Survey<sup>24</sup>

Furthermore, as regards several comments of the complainant organization on the relevant statistics, we note the following: (a) The calculation of the GPG is based on the hourly rate and not on the annual earnings (payment in kind) (b) Indeed, the SES, which calculates the GPG, is carried out in businesses - services employing 10 employees or more on the basis of European Parliament Regulations 530/1999, 1916/2000 and 1738/2005.

It is also worth noting that according to OECD<sup>25</sup>, when taking into consideration full-time employees and self-employed, the gender wage gap (which is defined as the difference between median earnings of men and women relative to median earnings of men) for Greece in 2016 is 4,5%, compared to 14.1% OECD average (data taken from EU-SILC).

Finally, in the framework of a technical assistance provided to the Greek Government by the ILO on Strengthening Labour Administration, trainings were delivered to reinforce the capacity of the Ministry of Labour, Social Security and Social Solidarity to analyze labour market information and support evidence-based policy making. Both trainings follow the Turin Learning Approach geared to the concrete needs of the Ministry's staff, including presentations by experts from ITC-ILO and ILO Department of Statistics. As requested by the Ministry of Labour the gender mainstreaming and gender pay gap dimensions were included in the seminars as key concepts in data collections and evidence-based policy design, in the overall context of the UN Sustainable Development Goals.

#### *As to the request for compensation*

In relation to the **complainant organization's request for compensation** from the Greek State as to the cost of the proceedings, the Greek Government reiterates its position 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. Therefore, we ask that this request be rejected.

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<sup>23</sup> The indicator is based on the four-year SES 2002, 2006, 2010 and 2014, required by the single currency regulation as well as national estimates based on national sources for the years between of SES years from the reference year of 2007 and onwards, with the same coverage as the SES.

<sup>24</sup> More information on: <http://www.statistics.gr/el/statistics/-/publication/SJ047/2010>

<sup>25</sup> See <https://data.oecd.org/earnwage/gender-wage-gap.htm>

### ***Concluding Observations***

We call the European Committee on Social Rights to recognize, on the basis of all the above, that Greece is making significant efforts to address the sensitive issue of gender pay gap, taking also into consideration the following facts:

- i. The existing legislation in force, as presented in both memorandums of the Greek Government, fully corresponds to the multifaceted issue of equality.
- ii. There is an institutional framework that has been set up to deal with equality issues in the most effective and independent manner.
- iii. Measures are being taken to meet the multiple challenges presented by equality issues in the ongoing process of fulfilling the obligations arising from the European Social Charter.

On the basis of all the above, we would like to ask the European Committee on Social Rights to consider the complainant's allegations as to the violation of Article 4 para 3, 20 and E of the Revised European Social Charter as unfounded.

**MINISTRY OF LABOUR, SOCIAL SECURITY**

**AND SOCIAL SOLIDARITY**

