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Fourth report on the implementation of
the Additional Protocol to the European Social Charter

submitted by

THE GOVERNMENT OF GREECE

(for the period 01/01/03 to 31/12/06:
Article 1)

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CYCLE 2008

Additional Protocol to the European Social Charter
4th Greek Report
01/01/2003 - 31/12/2006

Article 1

Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

Question A – Legislation

As regards the legislative framework currently in force we inform you that **Law 3488/2006** on the ‘Implementation of the principle of equal treatment of men and women regarding access to employment, vocational training and promotion, terms and conditions of work’ was passed, which incorporated **Directive 2002/73/EC** of the European Parliament and of the Council as of 23 September 2002 amending Directive 76/207/EEC of the Council, into Greek law.

By this law almost all provisions of Law 1414/1984 ‘Implementation of the principle of gender equality in labour relations and other provisions’ were abolished and replaced. The aim of the new legislation is the establishment of a general regulatory framework on the implementation of the principle of equal treatment of men and women regarding access to employment, vocational training and promotion, and conditions of work, as well as the regulation of relevant gender equality issues concerning the pay for male and female workers (article 1).

In respect of the scope, the provisions of the law apply (a) to persons employed or prospective employees in the private and public and broader public sectors, as defined from time to time by the provisions in force, under any employment relationship or type, including the contract of work or salaried order and regardless of the nature of the services rendered, (b) to persons carrying on liberal professions, as well as (c) to persons who receive vocational training or are candidates for vocational training of any kind and type (article 2).

In detail we cite the following:

The provisions of article 3, Law 3488/2006 stipulate that the implementation of the principle of equal treatment shall mean that there shall be no discrimination whatsoever on grounds of sex either directly or indirectly by reference in particular to marital or family status. Types of discrimination are defined on the basis of sex, including the direct or indirect discriminations, harassment and sexual harassment as follows:

(a) ‘direct discrimination’: where one person is treated less favourably on grounds of sex than another is, has been or would be treated in a comparable situation,

(b) ‘indirect discrimination’: where an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary,

(c) ‘harassment’: where an unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment,

(d) ‘sexual harassment’: where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

Article 4 of the same law reiterates the prohibition of the above types of discrimination on grounds of sex by reference in particular to marital or family status, in the scope and as defined by law. Within this context an important innovation is the abolition of the possibility to maintain derogations from the general principle of equal treatment of the sexes at the same time with the maintenance of the possibility to take positive measures in favour of the under-represented sex. In addition, we mention that the special measures taken for the protection of pregnancy, maternity, paternity and family life, are not prejudiced.

The provisions of **articles 5 to 10** specify the said prohibition of discrimination in the following fields:

(a) Access to employment, conditions and terms of work (article 5)

The equality as to the access to employment is ensured by the prohibition of any discrimination on grounds of sex or marital status, including the selection criteria and employment terms, as well as the relevant publications that concern the selection of persons.

Any unfavourable treatment of women related directly or indirectly to pregnancy or maternity, including their non-employment, as well as any unfavourable treatment of parent due to the use of childcare leave or parental leave is prohibited.

The working woman who has obtained a maternity leave shall be entitled after the expiry of such a leave to return to her post or an equivalent post on the same employment terms and conditions, including all benefits to which she would be entitled during her absence.

(b) Vocational guidance, vocational training and advanced training (article 6)

The provisions of article 6 of the said law prohibit any type of direct or indirect discrimination on grounds of sex or due to the marital status as regards the access, content and implementation of programmes or systems of vocational guidance and vocational training, advanced training, apprenticeship and retraining. Moreover, law prohibits any discrimination as to the determination and participation in examinations for diplomas or other titles.

(c) Pay (article 7)

The provision of the Constitution for equal pay between men and women for work of equal value is reiterated and at the same time the meaning of pay extends to include, in addition to the salary, every extra benefit by the employer because of or by reason of worker’s employment.

(d) Professional promotion (article 8)

It includes the terms and conditions of work, promotions and personnel assessment systems.

(e) Dissolution of the employment relationship and employee relationship (article 9)

The dissolution of the employment relationship in any manner on the grounds of sex or marital status is prohibited. Furthermore, the employee shall be protected against dismissal, because he/she did not submit to a sexual or other harassment against him/her. A similar protection is established for the employee who has given a testimony before a Court or in case he/she filed an action before a Court or other authority with regard to issues of enforcement of the said law.

(f) Participation in associations and unions (article 10)

Every discrimination regarding the participation in employers' or employees' associations or unions or in any trade union is prohibited, including the benefits granted thereby.

Question B – Case-law

Inter alia, we cite the judgements of the Supreme Court 432/2006, 1831/2006 and 47/2005, which refer to the right to equal pay for work of equal value. More specifically, they concern the payment of the family benefit deemed payable to both parents, otherwise there shall be discrimination on remuneration on the grounds of sex.

Question C – Guarantees safeguarding the principle of equal treatment

According to **article 11**, paragraph 4, Law 3488/2006, the Agencies of the Ministry of Employment and Social Protection shall provide to the trade unions and workers, individually, every information and data related to the matters regulated by the law.

According to **article 13**, paragraph 8 of the same Law, the Labour Inspection Body (SEPE) and the local labour inspectors shall examine the complaints based on this law and shall inform immediately the Ombudsman; they shall also have to forward to the Ombudsman their inspection findings, while the Ombudsman shall in any case be entitled to investigate the matter personally and draw up the final findings report on the complaint. As regards the work of the Labour Inspection Body during monitoring the enforcement of the labour legislation, we refer you to our previous Reports.

Finally, according to **article 16**, paragraph 2 of the same Law, the violation of prohibition, as stipulated by this law, of discriminations on the grounds of sex by a person who acts as an employer or as manager or by their representative or agent when establishing or refusing to establish an employment relationship or during the period, function, progress or dissolution of such a relationship, shall constitute a violation of the labour legislation also within the meaning of article 16, Law 2639/1998 (Official Gazette 205 A) as currently in force and as amended by article 4, Law 3227/2004 (Official Gazette 31/A/2004) and article 3, paragraph 3, Law 3385/2005 (Official Gazette 210/A/19.8.2005), wherefor the prescribed administrative sanctions shall be imposed, that is, a fine for each violation ranging from one thousand (1,000) euro to thirty thousand (30,000) euro in accordance with the criteria of the said paragraph 3, which means that the gravity of the violation or any repeated non-compliance with the suggestions of the competent organs, any similar violations wherefor sanctions had been

imposed in the past and the degree of liability, shall all be taken into account for the imposition of the prescribed administrative sanctions.

Information regarding the Additional Question of the European Committee of Social Rights about the compensation paid to a person who has suffered discrimination

Article 12, Law 3488/2006 on the ‘Implementation of the principle of equal treatment of men and women’ stipulates in respect of the legal protection of workers as follows:

1. Every person who considers himself/herself wronged by failure to apply the principle of equal treatment to them, even after the relationship, in which the discrimination is alleged to have occurred, has ended, shall be entitled to legal protection and to bring an administrative action before the competent authorities, including the mediation procedures of the Ombudsman, for the enforcement of the obligations under this law. The exercise of such rights shall not affect the time limits for bringing the judicial or administrative actions provided for.

2. Trade unions, other legal entities and associations of persons that have a relevant legal interest according to their object, may, upon the consent of the victim who sustained a violation of the principle of equal treatment of men and women pursuant to this law, appeal on behalf of the victim to the competent administrative or independent authorities and even to intervene for the defence of the victim. Moreover, they can make an intervention in favour of him/her before the courts.

Article 9 regarding the protection of workers from possible reactions by the employer because they have lodged a complaint or appealed to justice, stipulates expressly the prohibition of termination or any other manner of dissolution of the employment relationship and the employee relationship, as well as any other unfavourable treatment also (a) on the grounds of sex or marital status, (b) when it constitutes an employer’s vindictive behaviour, because the employee did not submit to a sexual or other harassment against him/her, (c) when it constitutes a reaction by the employer because the employee testified or filed any other action before a court or other authority appertaining to the implementation of this or other law.

Furthermore, **article 16** provides that the violation of the prohibition of discrimination on the grounds of sex as stipulated by this law, shall generate, in addition to others, a claim for full compensation of the victim, which shall cover material and moral harm and every positive or consequential damage. The disputes provided for in this paragraph shall be tried by the proceedings of labour disputes. It lies with the court to adjudge a corresponding compensation to the victim, without the law fixing a maximum amount of compensation.

Summing up the above:

- In case of dismissal for reasons of discrimination that is considered ipso jure invalid (e.g. in case of dismissal due to maternity which is considered a discrimination on grounds of sex), provided that the victim wishes so, the court shall automatically order the continuation of the employment relationship.
In case of dismissal for reasons of discrimination, provided that it has been proved and the victim wishes so, the court shall order the continuation of the employment relationship.

- In case of dismissal for reasons of discrimination, if the victim does not wish the continuation of the employment relationship, he/she can claim the payment of compensation in proportion to the damage sustained by him/her.
- In any case the victim may request the rectification of the damage and the payment of compensation in proportion to the damage sustained by him/her.

Question D – Measures and mechanisms for ensuring equal opportunities and equal treatment in practice:

In addition, regarding the mechanisms established for ensuring and implementing gender equality in our country, we inform you that by virtue of paragraph 1, article 13, Law 3488/2006 the body monitoring the implementation of the principle of equal treatment of men and women in the scope and as defined by law for the private and public sectors, shall be the Ombudsman. In respect of the private sector, there shall be a cooperation with the Labour Inspection Body for the monitoring and imposition of sanctions.

The General Secretariat for Gender Equality, according to the **National Policy Priorities and Axes for Actions on Gender Equality (2004-2008)** adopted by the Governmental Committee (November 2004), gives priority, inter alia, to the following axes of special actions:

Combating the equality deficit in the labour market and labour relations in the private and public sectors.

The policies on women can be divided in the following categories:

◆ **Promotion of employment and entrepreneurship:** it includes programmes of Integrated Interventions in favour of Women (counselling) through ensuring new job posts for women, so that unemployed women aged 18 to 65 acquire professional experience and are promoted to employment.

◆ **Reconciliation of family and professional life:** Positive actions which concern measures for the reconciliation of family and professional life of women and easing of their integration into the labour market (within the framework of Measure 5.3 ‘Integrated Interventions in favour of Women’) present a particular progress.

◆ **Fighting stereotypic perceptions on the roles of the two sexes through educational procedures:** It concerns the policy on employment, especially, issues of occupational segregation and professional advancement of women (Operational Programme ‘Education and Initial Vocational Training’ – EPEAEK – more details below).

Thus, the General Secretariat for Gender Equality aims at ensuring the integration of the principle of equal opportunities between men and women. It should be stressed that the General Secretariat for Gender Equality, within the context of elimination of women’s marginalization in relation to the labour market and their financial strengthening in the workplace, participates in the drafting of the actions on equality in the Operational Sectoral and Regional Programmes, while it seeks the acceleration of implementation of all measures and actions of the Third Community Support Framework that concern women within the context of the Operational Programmes. More specifically:

A. The project ‘Integrated Interventions in favour of Women’ is implemented by the General Secretariat for Gender Equality covering the administrative regions throughout Greece and includes 127 Action Plans. It aims at stimulating women’s employment and entrepreneurship – encouraging the professional advancement of women.

1. The General Secretariat for Gender Equality implements as final beneficiary the project: ‘Integrated Interventions in favour of Women’ through which not only does it support unemployed women to find a job, but it also facilitates the reconciliation of professional and family life. The initial total budget of the Programme is 53,000,000 euro increased by 6,000,000 euro in 2006. This project benefits 9,018 women in total, mainly unemployed women of every age, in all regions of the country. Until 30/06/2007 approximately:

- ▶ **7,199** unemployed women benefited from Counselling services
- ▶ **4,324** unemployed women were promoted to employment through the programmes of the Manpower Employment Organization and other national or operational programmes
- ▶ **555** working women benefited from counselling, support and information actions
- ▶ **814** women benefited from training programmes for the improvement of their skills.

2. In collaboration with the Manpower Employment Organization 5,342 unemployed women are promptly promoted to employment through the creation of 2,074 new job posts for unemployed women, subsidy for 2,074 young self-employed persons and acquisition of work experience by 1,194 unemployed women.

The entrepreneurship of mothers having minor children or women taking care of disabled persons was facilitated in particular through the possibility to declare their house as registered office of their enterprise and justify relevant expenses (1/3 of the operational expenses, day nursery expenses, etc.)

In detail:

The aforementioned benefited women are promoted to employment:

- ◆ through the **Enterprises Subsidy Programme for the creation of New Job Posts**: the amount of subsidy for each day of full-time employment of the unemployed woman amounts to €18,50, while the duration of subsidy is 12 months and subsidy will last as long as the obligation to keep the unemployed woman exists;

- ◆ through the **Unemployed Women Subsidy Programme for Young Self-employed Persons**: the aim of this Programme is to give financial support (amounting to €9,000) to women, so as to establish their own enterprise. For the facilitation of mothers having preschool age children or taking care of disabled persons:

- an enterprise may exceptionally operate in the house in the case of: (a) a mother having a preschool age child; (b) a woman taking care of first degree relatives with a disability of over 70% in her house;

- the expenses of a day nursery shall be calculated in the expenses of the operation of the enterprise.

- ◆ through the **Work Experience Acquisition Programme (STAGE)** in Bodies and Enterprises of the Private and Public Sectors: the financing is a gross amount of €25 per day for 9 months.

B. Measure 5.1 “Positive Actions in favour of women in Small and Medium-sized and Large Enterprises – Operational Programme ‘Employment and Vocational Training’” of the Ministry of Employment and Social Protection.

This measure, whose budget is €19,864,938, is implemented by the General Secretariat for Gender Equality and aims at helping about 5,000 working women in small and medium-sized and large enterprises to acquire additional skills so as to be able to claim their advancement in the enterprise on better terms, as well as the harmonization between their family and professional obligations through the creation of support structures. The Second Cycle of the Measure is currently being implemented.

Aims in favour of women in all programmes of the Manpower Employment Organization

Since 2005 in all its programmes, the Manpower Employment Organization has introduced a series of innovations and aims in favour of women (within the context of the ‘Integrated Interventions in favour of Women’):

1. Increased subsidies (at least by 25%) in all programmes of the Manpower Employment Organization for women having at least one minor child.
2. Giving a young female entrepreneur, who is subsidized by the Manpower Employment Organization, the opportunity to create her own enterprise inside her house, provided that she is a mother of a preschool age child or she takes care of disabled relatives.

Moreover, we remind that, as mentioned in our previous reports, all programmes of the Manpower Employment Organization stipulate that 60% of persons benefited shall be women.

C. Within the framework of combating the equality deficit in the labour market, the EQUAL Community Initiative has devoted a whole Axis to positive actions in favour of women. The General Secretariat for Gender Equality participated as a partner in 6 Development Partnerships of the First Cycle in 6 projects through implementing actions of public information and awareness, provision of counselling equality services, support actions in the context of preparing studies, issuance of a Guide for the advanced training of labour advisers of the Centres for Promotion to Employment (KPA) in issues of gender equality, while in the context of the Second Cycle the General Secretariat for Gender Equality participated as a partner in the following Development Partnerships:

a. Anthisi (Coordinating Partner: Federation of Greek Industries) Project Title: ‘Equal Opportunities and Development: Establishment of a Mechanism to Facilitate and Support the Integration and Incorporation of Equal Opportunities into the Business Environment’,

b. Network for the elimination of the social exclusion of women (Coordinating Partner: European Enterprise Organization),

c. Ep-endysi (Coordinating Partner: SEPEE – Hellenic Fashion Industry Association). Project Title: ‘Network for adapting and restructuring of production Systems and Work Methods in the Apparel Sector’.

D. Operational Programme of Education and Initial Vocational Training (EPEAEK II)

“Sensitization of Teachers and Intervention Programmes to Promote Gender Equality” of the Ministry of National Education and Religious Affairs.

Axis 4. Measure 4.1 – Action 4.1.1 / Action Category 4.1.1.a This Project provides for the connection of education at all levels of training with women’s entrepreneurship and promotion and implementation of the gender mainstreaming policy in all actions of the Operational Programme of Education and Initial Vocational Training; in particular, it aims at the promotion of Gender Equality in the field of Secondary Education and Initial Vocational Training by introducing the relevant questioning in school process through implementing Intervention Programmes in school units. For achieving this crucial aim it is deemed necessary to sensitize the teachers – men and women – through advanced training programmes so as, after locating the gender stereotypes, inequality and discriminations in the educational system, to be able to intervene by developing a scientific speech and good practices in the context of the school programme.

“Positive Actions in favour of women in schools of initial vocational education and training”

Axis 4. Measure 4.1 – Action 4.1.1 / Action Category 4.1.1(f)

The targets of this Project are:

- specialization and enrichment of initial vocational education and training through the relevant bibliography of the corresponding subjects related to the gender dimension;
- information on the attitudes of the persons, in particular, young women – girls regarding the selection of occupation and combating occupational segregation;
- promotion of gender equality in the field of initial vocational education and training with an ultimate aim to promote equal opportunities for both sexes and combat the exclusion of women from the labour market and society in general. It consists of 5 subprojects. More specifically:

Subproject 1: Study of the national and international bibliography in gender equality issues and preparation of a bibliography list on gender equality issues for the enrichment of the libraries of the Technical Vocational Schools (Vocational Senior High Schools – Vocational Schools) and Vocational Training Institutes of the country that participate in the project (budget: €118,941).

Subproject 2: Supply of printed and electronic material and its distribution in 747 school units of the former Technical Vocational Schools and Vocational Training Institutes (budget: €850,000).

Subproject 3: Online connection of libraries of the aforementioned Technical Vocational Schools and Vocational Training Institutes of the country with the Library for Women’s Issues of the General Secretariat for Gender Equality (budget: €125,000).

Subproject 4: Project Publicity Actions (budget: €95,000).

Subproject 5: Scientific and technical support of the Action (budget: €141,059).

E. Operational Programme ‘Competitiveness’¹(Measure 2.8) to which we have referred in the 14th Greek Report on the European Social Charter. More specifically:

¹ ‘6th National Greek Report, period 2001-2004, to the Committee of the UN on the elimination of discriminations against women (CEDAW)’ see page 11-13, 59, 61-64 & ‘National Policy Priorities and Axes for Actions on Gender Equality’, Ministry of the Interior, Public Administration and Decentralization, General Secretariat for Gender Equality, November 2004, pages 10-11.

As regards the Programme '**Encouraging Entrepreneurship among Women**' (of the **Hellenic Organization of Small Medium-sized Enterprises and Handicraft**): we should note that following the cooperation between the General Secretariat for Gender Equality and the General Secretariat for Industry, especially for women participating in Action Plans of Measure 5.3 it was provided that the entrepreneurial proposals of such prospective entrepreneurs for the development of their own enterprise shall be awarded 10 additional points to those they got during their evaluation.

In respect of the Programme '**Development of Employment and Entrepreneurship among Women**' (of the **Hellenic Organization of Small Medium-sized Enterprises and Handicraft**) within the context of the Regional Operational Programmes (Regions: Thessaly, Western Macedonia, Central Macedonia, Eastern Macedonia and Thrace, Epirus, Ionian Islands, Continental Greece, Attiki, North and South Aegean), of the Third Community Support Framework: The aim of the actions is to support the development of enterprises of female entrepreneurs, as well as maintain and enhance the employment percentage in women's enterprises. The said action is a measure for the promotion of the policy of equal employment opportunities for the two sexes in the labour market.

Finally, as regards the issue of the gap between the remunerations of the two sexes, the narrowing of the gap requires first of all the multi-dimensional²³ handling of the issue. The information on the inequality of remunerations between the two sexes through the presentation of the real dimensions thereof, as well as the public awareness that can be implemented through conferences, as it has already occurred, are essential. Moreover, it requires the facilitation of women so that they do not interrupt their professional activity, and the improvement of the prospects of their promotion and professional advancement. The General Secretariat for Gender Equality has undertaken actions to this direction (as described in detail in the Action Measures) following, inter alia, a policy on:

- ◆ the elimination of the segregation in male and female occupations,
- ◆ assisting the (re)integration of women in employment⁴, and
- ◆ the facilitation of their professional advancement.

It is also mentioned that the Research Centre for Gender Equality (KETHI), which is a supervised organ of the General Secretariat for Gender Equality, organized the European Conference 'Equal Pay – Mind the Gap'^{3,5} with a view to public information and awareness on inequality of pay and its impact on the social rights of women.

Overall Evaluation:

Of the four-year Action Programme for Gender Equality about 75% of the commitments undertaken has been fulfilled and before the end of 2008 all commitments will have been fulfilled.

² http://europa.eu.int/comm/employment_social/gender_equality/gender_mainstreaming 'Gender Pay Gap'

³ See the relevant Study: Dermanakis N. 'Inequality of pay between men and women in certain branches and occupations in Greece – The cases of the branches of retail trade, tourism, banks and health', 2003.

Planning of Actions:

The standard for the next steps shall be the National Reform Programme 2005-2008 of the country which implements the Lisbon Strategy, as well as the EU Roadmap for Equality between Women and Men 2006-2010. In the framework of the above, the following steps are proposed:

Gender Mainstreaming: Further promotion of integration of the gender dimension in all policies and measures (gender mainstreaming), in particular, in the operation of Public Administration.

For this purpose, the following are required among others:

- ◆ activation of the National Committee for Gender Equality to this direction;
- ◆ determination of a reference point for gender equality issues in every Ministry;
- ◆ specialization of the Decision of the Prime Minister no Y190/18-7-2006 on the 'Legislative policy and quality and effectiveness assessment of the legislative and regulatory arrangements' regarding the evaluation of the consequences in relation to gender equality;
- ◆ questioning on the drawing up of the budgets on the basis of gender (gender budgeting), which is discussed in the European Union and has already started to be implemented in certain countries.

Fourth Community Support Framework:

In addition, the General Secretariat for Gender Equality working methodically since 2004 presented the following basic priorities for the new programming period 2007-2013, for all sectors affecting gender equality. Those priorities are:

1. Reinforcement of employment and promotion of equal access thereto.
2. Promotion of entrepreneurship.
3. Development and improvement of education and training systems – lifelong learning strategies and incorporation of actions in favour of women.
4. Enhancement of 'research and development' and innovation production.
5. Utilization of information society.
6. Rural Development.
7. Tourist and cultural investments and services.
8. Improvement of social infrastructures.
9. Improvement of the administrative ability at all levels of government.
10. Regional cohesion and balanced development of the country and reinforcement of the cross-border, interstate and interregional cooperation.
11. Health – Welfare.
12. Civil Society.

A special priority axis entitled 'Strengthening of the gender equality policies in the whole range of Public Action' has been incorporated into the Operational Programme 'Administration Reform' of the Ministry of the Interior, Public Administration and Decentralization.

The aim is the improvement of quality and effectiveness of the mechanisms and structures of design, application, monitoring and evaluation of the gender equality measures and policies, as well as the effective integration of the gender equality dimension in the whole range of public action, at the level of central administration and

local government through the activation of civil society and non-governmental organizations. Emphasis will be also given to the reinforcement of the presence and participation of women in the public and social sectors and decision making centres.

The General Secretariat for Gender Equality has participated in all design steps to this day through instructions and guidelines of the Ministry of Economy and Finance, as well as in all development conferences at a national and regional level, but also in particular fruitful collaborations mainly with the Ministries that implement policies with the assistance of the Social Fund, such as the Ministry of Employment, Ministry of Education, Ministry of Development, etc. In addition to the references to the regulatory framework, the references to the approved National Strategic Reference Framework 2007-2013 must be utilized as starting points, and this National Strategic Reference Framework refers to:

1. General target 11: ***The promotion of the economic, social and developmental nature of the gender equality issues through their direct connection with the prevalent national priority policies (development – employment – social cohesion).*** The gender equality policy of the National Strategic Reference Framework is based on the ‘dual’ approach: (a) promotion of specialized – targeted support measures for women and (b) more effective adaptation of the gender dimension in the sectoral and regional policies of all priorities of the National Strategic Reference Framework (gender mainstreaming).

2. General target 12: ***Improvement of the quality of public policies***, which mentions expressly: An important horizontal target is the effective integration of the national gender equality policy in the whole range of public action (central administration and local government), in the reinforcement of the effective implementation of gender equality policies through targeted interventions for the handling of inequalities in public life and of the exclusion of sensitive social groups from public life. Furthermore, the modernization of structures and mechanisms of production and implementation of gender equality policy and measures, the systematic and essential participation of women in decision making centres and continuous consultations with women’s organizations and in general with civil society shall be promoted.

Moreover, further to all those, the Ministry of Economy and Finance has sent to all Operational Programmes the instruction that the following reference be included in the Operational Programmes:

‘A percentage of the budget of the programme shall be reserved in the most appropriate manner for the promotion of gender equality and achievement of the targets of the Operational Programme in this field. This percentage shall be fixed by decision of the Monitoring Committee.’

This reference has already been included in many Sectoral and almost all Regional Operational Programmes.

Within the context of the above National and European Policy Priorities and Actions on Gender Equality, an inalienable right of women is the right to equal opportunities regarding the access to employment, protection against dismissal and professional reintegration, vocational orientation and vocational training, retraining and vocational

rehabilitation, employment terms and working conditions, including the pay, as well as career advancement, on terms of equal rights and obligations with those of men.

In the cases where the General Secretariat for Gender Equality will promote positive actions in the framework of article 116, paragraph 2 of the Constitution, this will be done on terms of equality rehabilitation and not on terms of discriminations imposition.

As regards this issue, the General Secretariat for Gender Equality oriented towards the guidelines of the European Union, supports its strategic intervention in the dialogue (social, interparty, with non-governmental organizations), and considers the dialogue as a means of strategic planning and monitoring of social and economic policies⁴

Question F – Information regarding the question of the European Committee of Social Rights on the legal framework of social security of part-time employees

The provisions on social security of part-time employees are determined in article 39, Emergency Law 1846/1951. The part-time employees, that is, those employed in a job whose working hours last less than those of full-time employment, shall compulsorily fall under the branches that include full-time employees (pension, sickness, subsidiary insurance, Manpower Employment Organization, Workers' Housing Organization, Workers Social Benefits Organization) without the contributions percentages being differentiated. As regards insurance contributions of the employer and the insured, these are calculated in relation to the remuneration paid, and pay less than that corresponding to the imputed day's wage of the special insurance class of the Social Security Institution – Unified Insurance Fund for Employees (IKA – ETAM) may not be taken into account in any case for the calculation of the contributions for each day of insurance.

Question G – Special measures of protection due to pregnancy, childbirth and confinement

We refer to our previous Greek reports and arrangements of Presidential Decree 176/1997 and 41/2003, which provide for a special protection scheme for pregnant women, women who have recently given birth and those who are breastfeeding. Moreover, we inform you that article 5, Law 3488/2006 reinforces the protection of working women as follows:

(a) The working woman who has obtained a maternity leave shall be entitled after the expiry of such a leave to return to her post or an equivalent post on the same employment terms and conditions, and to benefit from any improvement of the working conditions to which she would be entitled during her absence.

(b) Any less favourable treatment of a woman due to pregnancy or maternity within the meaning of Presidential Decrees 176/1997 and 41/2003, or of parents due to a parental leave or due to a childcare leave, shall constitute discrimination within the meaning of this law.

⁴ National Policy Priorities and Axes for Action on Gender Equality', Ministry of the Interior, Public Administration and Decentralization, General Secretariat for Gender Equality, November 2004, pages 5-6.

In addition, we inform you that since 2005 pregnant unemployed women are not deleted any more from the registers of unemployed persons of the Manpower Employment Organization, while they can renew automatically their unemployment card (throughout pregnancy and confinement) by showing a medical certification.

Question I-Professional activities reserved to persons of a particular sex

We refer to our previous reports. In addition, we inform you, that all kinds of derogations from the general principle of equal treatment have been abrogated in the national legislation, as in effect after the last amendment of the Constitution and the passing of Law 3488/2006. Hence, there is no exception at all for men or women as to the access to employment, vocational training, employment terms and conditions.

With respect to the question set by the ECSR regarding women's work in mines, we note that in accordance with legislation in force and particularly with the Regulation for Mining and Quarrying Works (OG 931B/84) article 11 para 4, pregnant or breastfeeding women are permitted to be occupied only in light works upon approval of the doctor of the Project and on no occasion on night shifts or underground works. However, independent of the formulation above, by virtue of the data provided by the General Directorate of the Mining and Industrial Minerals of the Ministry of Development, no women are employed in underground mines.

Information regarding the question of the ECSR on the manner in which the collective agreements deal with the gender equality issue

The National General Collective Labour Agreement of 1993 provides for the establishment of a Committee consisting of three members from each party and from both sexes, which is competent to monitor the enforcement of the legislation ensuring the equal treatment of working men and women and workers having family obligations, as well as the promotion of common views. The Committee announces its discoveries to the managements of the parties and proposes to them certain measures for the elimination of every unequal treatment in the field of their competence in labour relations.

Moreover, article 7, National General Collective Labour Agreement 2006-2007 entitled 'Support of Family and Reinforcement of Women's Employment' stipulates as follows: With a view to reinforcing the employment of women and facilitating the discharge of the professional and family obligations of workers, the parties agree on:

(a) the promotion of a legislative arrangement for the payment by the Distributive Fund for Employee Family Allowances (DLOEM) of the day's wage of the unskilled worker to working women and men who obtain a parental leave stipulated by article 5, Law 1483/1984, as in force from time to time, and the insurance contributions to the appropriate social insurance organizations;

(b) the promotion through the Account for Employment and Vocational Training (LAEK) of actions for the facilitation of substitution by unemployed persons of female workers during their absence from work when they have a pregnancy and confinement leave;

(c) in case of having a child by the process of surrogate motherhood, the commissioning parents shall be entitled to the leaves related to the care and upbringing of the child, as if they were the natural parents. During breastfeeding both the mother

who gave birth and the commissioning mother shall be entitled to the reduced working hours stipulated by article 9, National General Collective Labour Agreement 1993, as currently in force.

Information regarding the question of ECSR on the position of women in employment and possession of managerial posts by women

As regards the professional advancement of workers, the provisions of article 8, Law 3488/2006 stipulate the prohibition of any type of direct or indirect discrimination based on sex or marital status of the worker with respect to the terms, conditions of employment and work, promotions, as well as the design and application of personnel assessment systems. In addition, the provisions of paragraph 3 (a) and (b), article 7, Law 3488/2006 stipulate the following:

(a) When a professional classification system is used in order to fix the pay, such system must be based on common criteria for working men and women and ensure that there will be no discrimination based on sex.

(b) During the designing and application of personnel assessment systems connected with its salary development, the principle of equal treatment must be complied with and no discrimination based on sex or marital status shall be permitted.

Regarding the policies on combating the equality deficit in the labour market, please see the answer on question D above. Regarding the results of these policies we have the pleasure to inform you that the increase of women's employment rate, that has already shown an increase from 43% in 2003 to 48,1% in 2007, has become the basic target of the National Reform Program 2005-2008. During the same period the unemployment among women decreased from 16,5% to 13,1%. Regarding the targets of the National Reform Program, the above mentioned rates show that in 2007 we overlapped the target rate of unemployment among women (14,5% for 2008) and we are achieving our goal regarding women's employment (48,9% for 2008).

Information on the question of the ECSR on the adoption of programs at business level for the promotion of equality in the work place.

Regarding the promotion of equality at business level, a social consultation has taken place for the first time among employers' organizations (SEV, GSEVEE, ESEE), the Athens Industry and Trade Chamber and the General Secretariat for Equality which resulted in the signing of the Cooperation Protocol in promoting equal opportunities among men and women in businesses (2/6/06). The Protocol is in force for indefinite term and will be evaluated two years after its entry into force.

Moreover, a Memorandum on Cooperation with the Business Network for the Corporate Social Responsibility (CSR) for the promotion of the equality of the sexes in enterprises was signed (March 2006). This initiative was chosen by the European Network for the Corporate Social Responsibility as good practice and was presented by a representative of the General Secretariat for Equality, during the annual event European Marketplace II on CSR (in Brussels on the 22 of June 2006) held for the exchange of experiences and the analysis of methods that promote the policy of Corporate Social Responsibility of Enterprises. Within the framework of the abovementioned event, special reference was made to this Memorandum by the Commissioner in charge Vladimir Spidla.

Finally, an important activation of the enterprises has been noted in their participation in the Program “Positive actions in favor of women in small and medium-sized and large enterprises”. Two hundred (200) enterprises from all over the country decided to participate in the second round of the Program “Positive actions in favor of women in enterprises” (Third Community Support Framework) in July 2006, compared to 45 enterprises that had announced their participation in the first round in 2003.