



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**

6 September 2018

Case Document No. 3

Panhellenic Association of Pensioners of OTE (PAP-OTE) v. Greece
Complaint No. 165/2018

**RESPONSE OF PAP-OTE TO THE GOVERNMENT'S
OBSERVATIONS ON ADMISSIBILITY**

Registered at the Secretariat on 31 August 2018



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To the Secretariat of the European Social Charter

Response of the Panhellenic Association of Pensioners of the OTE Group Telecommunications to the Observations of Greek Government on the admissibility of Collective Complaint No. 165/2018.

The Panhellenic Association of Pensioners of the OTE Group Telecommunications (hereinafter “the complainant”) has the honor to present their response to the Hellenic Government’s (hereinafter “the Government”) observations on the admissibility of Collective Complaint no 165/2018 (hereinafter “the complaint”), brought under the 1995 Protocol Establishing a Collective Complaint Mechanism (hereinafter “the Protocol”), alleging multiple instances of non-compliance with the European Social Charter of 1961 (hereinafter “the Charter”), as it has been revised in 1996 and entered into force on 01/07/1999 (STCE n° 163).

The revised Charter encoded the rights that were established at the 1995 Protocol and the 1961 Charter.

1. Representativeness of the complainant trade union (Article 1c of the Additional Protocol 1995)

The Government denies the complaint trade union’s right to be represented under Article 1 c of the Additional Protocol 1995, on the grounds that, according to its allegations, the Panhellenic Association of Pensioners of the

OTE Group Telecommunications can be classified as an association of pensioners rather than a trade union and therefore lacks the *locus standi* before the ECSR.

Crucial to be underlined is the fact that in a large number of cases, the ECSR has taken the view that associations of pensioners are entitled to lodge complaints before the Committee. Specifically, the case under examination is exactly similar to: a) the Collective complaint No77/2012 of the "Panhellenic Federation of Public Service Pensioners against Greece", b) the Collective complaint No78/2012 of the "Pensioners' Union of the Athens-Piraeus Electric Railways (ISAP) against Greece", c) Collective complaint No76/2012 of the "Federation of pensioners of IKA-ETAM against Greece", d) Collective complaint No79/2012 of the "Panhellenic Federation of pensioners of the Public Electricity Corporation (POS-DEI) against Greece", e) Collective complaint No80/2012 of the "Pensioner's Union of the Agricultural Bank of Greece (ATE) against Greece". In all the above mentioned cases, the Government never questioned the lack of preconditions concerning admissibility!

In the light of the above, it is undoubted that both the Government and the Committee have always opted for the right of the competence of associations such as the complainant, to submit collective complaints.

The Panhellenic Association of Pensioners of the OTE Group Telecommunications is historically the biggest and most representative association in the field of Telecommunications in Greece. Pursuing to articles 2 and 4 of the Statute of the Complainant, the main principle and duty of the Panhellenic Association of Pensioners of the OTE Group

Telecommunications is to promote and protect the rights of its members. Therefore, it is beyond any doubt the complainant is entitled to conduct any legal acts that can serve the abovementioned statutory established purpose. Serving this statutory and legal duty, the complainant has filed many legal acts in numerous occasions. For example lately the complainant submitted an application for annulment to the Council of State against the Law 4387/2016 (a law that is also mentioned in the Complaint).

Furthermore, the revised Charter is also protecting, among others, the so called “rights of social cohesion” which secures the social welfare of the whole population regardless of the professional activity or relation.

Specifically, the right of social cohesion included in the revised Charter includes the following rights: the right to health protection (article 11), the right to social and medical assistance (article 13), the right to benefit from social welfare services (article 14) the right to protect against poverty and social exclusion (article 30), the right to housing (article 31). Apart from these rights, the Charter also includes a special provision for the right of social cohesion that organize the protection of specific social groups such as: the family, children and young people (articles 16-17), elder persons’ right to social protection (article 23) and persons with disabilities (article 15).

Our complaint has as legal ground the article 23 regarding every elderly person’s right to social protection and is also based on article 12 paragraph 2 and 3 of the Charter, as in force today. We, hereby, argue that the right of social cohesion included in the revised Charter – as explicitly analyzed above – grant us any legal right to file this complaint before You. Consequently, as a union that represents mostly elderly people, we are

totally and undoubtedly entitled to complaint before You and seek for your protection.

2. Petition

In the light of the above presented legal and factual arguments, the Complainant invite the European Committee of Social Rights to declare the Complaint admissible.

Athens, August, 30,2018

Signed by the Agent (maître)

Loucas Th. Apostolidis

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