



4/2/2021

Mediation Summary

Protection of applicants for international protection as persons belonging to vulnerable groups and in need of special procedural guarantees

Applicants for international protection have applied to the Ombudsman for protection as individuals belonging to vulnerable groups (pregnant women, persons suffering from serious illnesses, single-parent families, victims of sexual and gender-based violence) but also as applicants who ought to be given special procedural guarantees on the grounds of gender-based violence, trafficking in human beings etc.

In particular, the complainants requested the protection of their physical & mental health in the midst of a pandemic (COVID-19) during the reception and identification procedures in the country as well as the protection of their rights, such as family unification, special hosting conditions and other measures provided for in the current legislation.

Following the intervention of the Ombudsman, the Administration responded to the proposals of the Authority for the better management of cases and the effective protection of vulnerable women pending examination of their application for international protection.

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Thursday, January 28, 2021 Press Release

Shielding the special maternity protection benefit

The Ombudsman characterizes the recent adoption of the law "*Measures to support workers and vulnerable social groups, social security regulations and provisions for the support of the unemployed*" as an important step, which shields the special

maternity protection benefit. Article 67 of Law 4756/2020 (Government Gazette A 235 / 26.11.2020) provides that this special maternity protection benefit, granted by OAED to working mothers, insured by IKA-ETAM, during the six-month special maternity leave, *"is exempt from taxes, fees, deductions and contributions, is inalienable and cannot be attached by the State or third parties, confiscated or offset against certified debts to the Tax Administration, the State, insurance funds or credit institutions"*. However, both the general maternity benefit and the supplementary benefit of OAED, remain unprotected from attachment and offsetting against certified debts to tax and insurance authorities, despite the consensus of the General Secretariat of the Family Policy and Gender Equality which supported the views of the Ombudsman. The Authority reiterates the request to extend the protection to all maternity benefits, whatever their nature or the institution they come from.

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21/12/2020 Mediation Summary

Re-hiring of an employee with disabilities following the Ombudsman's intervention

The Ombudsman, in the context of its special remit for combating discrimination and promoting the principle of equal treatment in employment and occupation (Law 4443/2016 and Law 3896/2010), examined the complaint of a worker with a disability (deafness), who complained to the Regional Labour Inspectorate (SEPE) that she was fired after 22 years of uninterrupted employment. In her complaint, the complainant alleged that her dismissal was unlawful and abusive, and that the reason for her dismissal was related to her disability.

Following the Ombudsman's intervention and the investigation of the case, the discussion of the labour dispute took place and after that, the competent Labour Inspectorate (SEPE) informed the Ombudsman that the employer decided to re-hire the employee.

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6/12/2020 Mediation Summary

Fine to a municipal company and referral of the mayor and municipal councillor to a disciplinary investigation, following a complaint from a disabled employee for harassment at work

The Labour Inspectorate (SEPE) dispatched to the Ombudsman a complaint on a labour dispute, which was submitted by a disabled worker with a municipal utility company. According to her complaint, the employee was harassed at work (insulted by expressions of sexual content), by the mayor and a then member of the Board of Directors of the company.

The Ombudsman examined the case and issued an extensive report, holding accountable both the mayor and the chairman of the Board of the company, which was also a municipal councillor and suggested to the competent service of SEPE, the imposition of administrative sanctions against the municipal company; in addition it suggested to the Coordinator of the competent Decentralized Administration to initiate a disciplinary hearing for both the chairman of the Board of the company and municipal councillor (for his omissions in relation to the case), as well as of the mayor and then member of the Board of the company (for exceeding his mandate). Subsequently, the competent department of SEPE issued an act imposing a fine against the company, amounting to 2,000 Euros, and the competent Decentralized Administration initiated a disciplinary hearing, calling the mayor and the chairman of the company to file their explanations on the incident.

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