



GENDER AND LABOUR RELATIONS

SPECIAL REPORT 2011

EQUAL TREATMENT OF MEN AND WOMEN IN EMPLOYMENT AND LABOUR RELATIONS

EXECUTIVE SUMMARY

Gender-based discrimination at work, economic recession tendencies and the role of the Ombudsman.

The economic recession and the measures taken by the Government for the financial adaptation of the country's economy to the demands of its creditors, have led to several problems in the labour market, manifesting mainly as unregulated disorganization of the existing labour legislation, massive loss of employment positions and rapid increase of unemployment rates, replacement of collective labour agreements by individual ones, expansion of undeclared employment as well as introduction of various forms of precarious flexible employment, replacement of existing regular employment terms by flexible employment, accompanied by reduced working hours and equally reduced earnings.

The percentage of women working in such positions, either as existing employees or as newcomers to the labour market, has increased, and gender-based discrimination in the labour market is more visible than ever. Women are

exposed to employment terms that provide neither decent working conditions nor decent and adequate earnings, and are under considerable pressure to accept precarious flexible employment terms. This is more frequent for working women during the maternity period of protection from dismissal (from pregnancy to 18 months after childbirth).

Now that other forms of workers' protection, such as collective agreements, retreat, there is more need for extrajudicial mechanisms as alternative solutions to the expensive and time-consuming court solutions; therefore, the Ombudsman's role as such a mechanism is now more important than ever before. This is proved also by the facts that in 2011, complaints to the Ombudsman for gender-based discrimination in the private sector increased significantly (53% of the complaints as opposed to 37% in 2010).

The Ombudsman uses its competency as a monitor of the implementation of EU legislation for equal treatment and equal opportunities between women and men, as a unique and

valuable tool to establish its position in the operation of the labour market.

[Intervention in labour disputes in the private sector: The collaboration between the Ombudsman and the Labour Inspectorate.](#)

The Procedure

On the basis of specific provisions of the law (L. 3896/2010, article 25, par. 1) there is an institutional collaboration between the Ombudsman and the Labour Inspectorate (L.I.); as a result of this collaboration, the Ombudsman is informed of all complaints filed with the Labour Inspectorate and its branches around Greece, regarding breaches of the equal treatment legislation.

The Ombudsman is invited to participate to meetings between employers and employees at the Labour Inspectorate and to exercise its competence towards a reconciliatory solution in the dispute. It is also entitled to carry out its own investigation on the cases and draft a Findings Report, proposing to the Labour Inspectorate the imposition of a fine on the employer, when it reaches the conclusion that there has indeed been a breach of gender equality legislation.

The Results

The number of complaints referred to the Ombudsman by the Labour Inspectorate is increasing. Invitations for the Ombudsman's participation in reconciliatory meetings have arrived not only from the Athens Branches of the L.I. but also from the Regions. Collaboration

between the two agencies is good, but there is room for improvement.

The Problems

Financial cuts in the Ombudsman's budget do not allow for its presence in meetings before L.I. in the Regions, therefore there is diminished visibility of the Ombudsman there. There are still considerable delays in informing the Ombudsman of all cases of gender-based discrimination reported to the L.I. and unfortunately, there are branches of the L.I. that have never referred complaints to the Ombudsman.

Moreover, in several cases, especially cases of sexual harassment and job rotation, the Labour Inspector avoids taking a clear position and merely suggests to the employees to go to court.

[Intervention in labour disputes in the public sector](#)

Issues of Reconciliation of private and professional life

Establishment of parental leave for fathers in the Armed Forces and the Police

After the Ombudsman's intervention, both the Ministry of Defense and the Hellenic Police amended their legislation and gave fathers equal rights to parental leave, among other measures for reconciliation of private and professional life;

Other cases of parental leave

Following the Ombudsman's intervention, fathers working at Municipal Water Supply Companies were granted equal rights to parental leave, as mothers. Civil servants that

have entered into civil partnerships were granted the right to get parental leave on the same grounds as married civil servants. Mothers working part-time were granted the right to receive the entire period of parental leave, not only half of it.

Maternity protection issues

The six-month additional maternity leave is recognized as insured time for health and unemployment insurance reasons

The six-month additional maternity leave was previously recognized as period covered by social security only for pension purposes; as a result, mothers getting this leave faced great difficulties in matters of health and unemployment insurance, due to the six-month gap. After the Ombudsman's intervention, the Manpower Employment Agency OAED and the Social Security Foundation IKA collaborated in recognizing the 6-month period for health and unemployment insurance purposes too.

Child-birth benefit paid even in cases of premature delivery and death of the child

Mothers giving birth prematurely (before the 28th week of pregnancy) and in cases where the baby was stillborn, were not entitled to part of the maternity benefit paid for the period before childbirth. After the Ombudsman's intervention, the SSF IKA issued a Circular saying that the childbirth benefit payment must be based exclusively on the actual fact of child delivery, regardless of the duration of the pregnancy or the status of the born baby.

Special actions of the Ombudsman for the implementation of the principle of equal treatment

Collaboration with the General Secretariat for Gender Equality (GSGE)

The Ombudsman collaborated with the GSGE for the drafting and issue of a Manual on Sexual Harassment in the workplace. In this respect, the Ombudsman drafted and published a special report comprising all its work on sexual harassment complaints to date.

The Ombudsman has also collaborated with the GSGE within the framework of the NSRF (National Strategic Reference Framework) 2007–2013, and has been allocated funding for the support of its role in the implementation and promotion of the principle of equal treatment between women and men.

Collaboration with European Institute of Gender Equality (EIGE)

The Ombudsman took part in the EIGE study on the involvement of Men in gender equality, where it was asked to present its competence, its role and its tools as an Equality Body.

Collaboration with the European Commission

The Ombudsman is a regular member of the Network of Gender Equality Bodies of the European Commission and participates in its meetings twice a year.

The Ombudsman has developed a steady collaboration with the Legal Unit on Equal Treatment legislation of the DG Justice of the European Commission.

Collaboration with the National Centre for Public Administration

The Ombudsman has collaborated with the National Centre for Public Administration both by participating in Committees designing

educational programmes connected to gender equality and by sending Senior Investigators to teach courses on Gender Mainstreaming and Gender Equality legislation.