



THE GREEK OMBUDSMAN  
INDEPENDENT AUTHORITY

Department of Gender Equality

**2<sup>nd</sup> Annual Special Report**

**On the implementation of the principle of equal opportunities  
and equal treatment of men and women  
in matters of employment and occupation**

JUNE 2009 – DECEMBER 2010

Executive Summary

February 2011

The second Annual Special Report of the Greek Ombudsman on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation is being released during a remarkably harsh period for employment and occupation issues in Greece, as well as world-wide: the generalized financial crisis and developmental recession aggravate the already thorny position of working women, by boosting unemployment and underemployment, dismissals due to pregnancy or maternity, and difficulty in reintegration in the labour market.

All the same, the position of the Greek Ombudsman as the Equality Body responsible for the promotion of legislation for equal treatment between men and women in employment has been significantly reinforced. Law 3896/2010, enacted in December 2010, broadened the competences of the Ombudsman with regard to tackling discrimination. Hereafter the Ombudsman can take up preventive actions in order to promote equal opportunities and equal treatment of men and women in matters of employment and occupation, in cooperation with agents of public administration, social partners, enterprises, NGOs, etc, adopting a more active role in promoting change of gender perceptions in the labour market. Moreover, when it comes to complaints related to gender-based discrimination, the Ombudsman is not obliged to end its investigation in case the complainant files a lawsuit; instead it will be entitled to continue its mediating efforts till the first actual hearing in court of the lawsuit or the relevant petition for the issue of a temporary injunction.

The aim of this report is to present the Ombudsman's work, resulting from the exercise of this special competence the legislator has entrusted to us since 2006, not just in the form of a mere account of events: above all, we have tried to delineate the real picture, highlight the problems, register best and worst practices of the administration, offer an update on national and European developments. In general, we have aspired to create a tool suitable for multilayered comprehension and various uses, expanding from simple information to furthering knowledge and deliberation in matters of gender discrimination in the labour market.

This report covers the Ombudsman's accumulated experience from June 2009 till December 2010. It starts with an introductory note by the Deputy Ombudsman offering an overview of the entire period, followed by statistical data, transcribing facts in the blatant dialect of figures.

Subsequently comes the dossier "Parental leave rights and gender quality in the public sector» which holds a prominent position in this report, due to its exhaustive examination of the subject matter. The topic has not been randomly chosen. Parental leave issues constitute the forefront, the cutting edge of European Union policies, when it comes to reconciliation of private and professional life.

During the period covered by this report, the EU enacted Directive 2010/18/ EU implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC; moreover, the EU Courts (ECJ, ECHR) entered significant judgments on this issue. In Greece also, the matter had noticeable mobility, which was reflected to the number and variety of complaints filed with the Ombudsman. This file contains a detailed overview of national and European legislation and case-law, as well as all relevant developments in European level. Subsequently, the Ombudsman presents its wide-ranging experience on this issue, with examples of citizens' complaints, the Department's mediation and the response of the administration or absence thereof. This part is brought to a close with the Ombudsman's conclusions and proposals, as far as specific professional categories are concerned: medical doctors, teachers, police officers and employees of the Ministry of Foreign Affairs posted abroad.

Next, we encounter the update on last year's dossier "Additional maternity protection leave and benefit" with the Ombudsman's actions and the administration's response this year. After that comes an outline of the most important groups of complaints handled by the Ombudsman, which largely cover two themes: women's access to previously men-dominated employment areas, i.e. the Armed Forces and Law Enforcement Agencies, and the problems facing working women on the grounds of pregnancy and maternity. The final chapter of the report covers the public presence of the Department as Equality Body for the implementation of the principle of equal treatment of men and women, as this is expressed through its cooperation with the Labour Inspectorate, the Parliamentary Committees, and its active participation in the European Network of Gender Equality Bodies, operating under the auspices of the European Commission.

The Report concludes with general findings and propositions, summarized as follows:

Four years after the enactment of L. 3488/2006, already repealed and replaced by L. 3896/2010, the implementation of the principle of equal treatment of men and women in employment still faces considerable obstacles; the policy of gender mainstreaming in public administration is still at a very early stage; public administration, including civil courts, is not adequately acquainted with the relevant legislation; the absence of reliable statistical data deprives the Department of a significant tool for documentation of discrimination; there is still widespread gender discrimination in announcements for staff hiring and procedures of access to professional education and vocational training; our effort to spread out within the entire public sector legislation granting parental leave rights to fathers (i.e. Law Enforcement Agencies), as well as to remove practical difficulties found in the way of exercising such rights, is met with legislative and procedural obstacles, resulting both from social gender stereotypes and lack of political will.

In the private sector, pregnancy and maternity remain the prevailing impediments to women's employability; in addition, no measures are taken for reintegration to the labour market, after long absences due to maternity.

The Ombudsman anticipates that the procedure for transposition of Directive 2010/18/EU to national legislation will offer the Greek State the opportunity to deal with all problems related to parental leave in both the public and the private sector and provide an efficient codification of the applicable legislation.

More specifically, the Ombudsman suggests the establishment of a unified parental leave status for all categories of civil servants, regulated by the following principles:

- Allocation of parental leave time between the parents
- Motives for use of parental leave by the father in all cases
- Flexibility in the temporal arrangements of parental leave, i.e. possibility to accumulate the amount of reduced daily working hours into one day off per week.