



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Greece
Title:	Introduction of new anti-discrimination legislation in Greece
Date:	21 December 2016
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<u>Context</u>	
Issue at stake:	Improvement of the legal framework on anti-discrimination
Ground of discrimination:	All grounds including gender
Source:	Legislation
Field:	Employment, social protection, social advantages, access to goods and services, education, housing
Applicable law:	Law 4443/2016 (OJ 232 A / 09.12.2016)

Content

Law development: On 2 December 2016, the Greek Parliament voted Law 4443/2016 with the title: "*Transposition of Directive 43/2000/EC on the application of equal treatment principle irrespective of race and ethnic origin, and transposition of Directive 78/2000/EC on the configuration of the general framework of equal treatment in employment and work*", which replaced the main Greek anti-discrimination legislation (Law 3304/2005). The new provisions introduce new protected grounds such as chronic illness, descent, family or social status and gender identity or characteristics. Especially, the introduction of the ground of family status in the field of discrimination in workplaces is regarded as an expansion of the rights of same-sex couples who have signed a civil partnership. Moreover, certain definitions, which were not provided in the previous law 3304/2005, have been added. Thus, Article 2 considers "discrimination by association" the less favourable treatment of a person due to his/her close association to a person or persons who bare certain characteristics connected to the aforementioned grounds of discrimination.

"Discrimination based on perception" is the less favourable treatment of a person who is perceived to have certain characteristics linked to the aforementioned grounds of discrimination. The "denial of reasonable accommodation" for people with disabilities or chronic illness has finally been recognised as a form of discrimination, and "reasonable accommodation" is defined as the necessary and appropriate modifications, provisions and measures, which should be adopted so as to ensure the equal treatment for people with disabilities or chronic illness, under the condition that none of these measures create an excessive or unjustified burden for the employer but it is not specified whether these are individual measures or measures of a more general character. Finally, "multiple discrimination" is the discrimination, exclusion or restriction of a person based on multiple grounds of discrimination. As for the promotion of the principle of equal treatment, Article 12 clearly stipulates that during the drafting and application of legislative, regulatory and administrative orders or acts, policies and actions in the areas covered by the present law, equal treatment shall be given due consideration.

The most important feature of the new provisions is the unification of separate jurisdictions –private and public- under one equality body, the Ombudsman. Therefore, the Committee for Equal Treatment will no longer have jurisdiction over discrimination in the private sector and will, thus, be abolished. Under article 12, the Ombudsman will be tasked with the monitoring and promotion of equal treatment not only for the public sector, but the private as well. At the same time, 10 more staff positions will be created so as to hire permanent Legal Officers or Legal Officers with open-ended private law contracts. The General Secretariat for Transparency and Human Rights of the Ministry of Justice, within the framework of its jurisdiction for the protection of human rights and combatting all forms of discrimination, will be competent for the promotion of equal treatment. The Social Protection Directorate of the Ministry of Labour will, *inter alia*, monitor the application of anti-discrimination policies in the field of labour and employment, inform employees and employers on issues related to discrimination in the field of employment and raise awareness, and will scientifically support the Labour Inspectorate Body, which will continue to exist but will no longer exercise equality body functions.

In fact, Article 16 requires the cooperation amongst all of the aforementioned authorities, as well as with the Economic and Social Committee, the higher union organisations in the private and public sector, the National Social Solidarity Center, the National Center for Social Research, the Centre for Equality Research, the Centre for Disease Control and Prevention, the Central Union of Greek Municipalities, as well as with civil society organisations with expertise on anti-discrimination. Regarding awareness raising and dissemination of information, Article 17 stipulates that the employers, as well as those in charge of vocational training, shall ensure the application of anti-discrimination provisions and provide the equality body with all the necessary information for the promotion of equal treatment, as per their mandate. The union organisations shall inform their members of the content of anti-discrimination provisions, as well as the measures that are carried out for the application and promotion of equal treatment.

Key points of analysis: Although the new Law which replaces the previous provisions on anti-discrimination does not provide more protection of vulnerable groups since it does not expand it to all grounds, it clarifies the relevant legal framework by specifying definitions, by adding extra grounds and by unifying the previous three equality bodies into one according to the new provisions.

Internet link source:

http://www.parliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergou?law_id=246e2286-a8e1-4283-95c0-a6b901169a95.