

Maternity and employment: **A guide to one's rights**

DIONE 

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Written and edited by:
Thanasis Theofilopoulos

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Dismissal & unfavourable treatment of wOmen in the Greek workplace:
Adopting an iNtegrated and systEmic approach of intervention

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Contents

- Acknowledgements 6**
- Introduction 8**
- Maternity and employment: My rights 10**
- Maternity rights and protection at work..... 10**
 - Concept of discrimination and the anti-discrimination legislation. 10
 - Protection and rights of pregnant or breastfeeding workers: 13
 - Protection against dismissal: 15
 - Maternity leave: 16
 - Childcare leave:..... 18
 - Special OAED 6-month leave:..... 19
 - Maternity benefits: 20
 - Childbirth Aid - Maternity (Maternity - Pregnancy) Allowances: 20
 - OAED allowance:..... 21
 - “Birth allowance” 22
 - Parental leave: 23
 - Child-raising parental leave: 23
 - Leave to care for sick family members: 24
 - Leave to care for a child with health problems (specifically: A disease which requires blood transfusion and factors or dialysis, cancer, transplantation, severe mental retardation or Down syndrome):..... 25
 - Leave of absence for monitoring school performance: 25
 - Leave for single-parent families:..... 25
 - Fostering, adoption and surrogacy: What applies to working mothers: 27
- Legislative – regulatory provisions for self-employed working mothers 31**

Maternity allowance for self-employed women:	31
Granting of maternity allowance to women who are insured with the Insurance Fund for Independent Professionals (ETAA) and exclusively work as freelancers: ...	32
Maternity allowance for rural women (OGA):.....	33
Granting maternity benefits to women who are insured with the former OAEE who terminated their business activity on the delivery date:	33
Practical advice and useful contacts	35
My rights were violated. What now?	35
I work under a private law contract (in the public or private sector) and want to report a violation of my labour rights.	37
I would like to receive timely information and support regarding work-related issues from services and agencies of the Ministry of Labour, to join an employment or training programme or apply for benefits.....	38
I would like to report a discrimination incident at my workplace, in the public or private sector.	41
I would like to have access to official information and data concerning my work relationship (or employment, training, or internship):.....	43
I want to get free support services like legal counseling, employment counseling etc.	44
References and Sources	47
Curriculum vitae of the editor/author	54

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Thanasis Theofilopoulos,

March 2020



Introduction

Women belong to a population group who “over time endure social discrimination that is also expressed in the labour market” (INE/GSEE, May 2019: 113). Women face a number of challenges in the job sector such as:

- Lower pay (compared to men) for the same job;
- Difficulty in attaining higher and the highest positions in the corporate ladder;
- Greater periods of unemployment¹
- A significantly greater period of time is spent with housework and/or caring for the family’s dependent members (minor children, persons with disabilities, the elderly, etc.) compared to the time that is dedicated by their spouses/partners;
- Dominant segregations and stereotypes in education and work, such as that women are more or less “suitable for” or “capable of” certain occupations (INE/GSEE, May 2019: 113-115; European Commission, 2017).

Evidence of this situation in Greece is that in 2018, the Greek Ombudsman, the national body for promoting the principle of equal treatment in the public and private sector (Law 4443/2016) - received 899 reports from citizens, of which 57% concerned incidents of discrimination between men and women, primarily in matters of occupation and employment (Lykovardi, April 2019: 11/ The Greek Ombudsman, 2019:17). It should be noted that, as it was ascertained during the conduct of the qualitative social research in the context of the DIONE project - interviews with competent officers/relevant audit or support and equality bodies - the actual number of gender discrimination incidents in the workplace and the violations of women’s labour rights remains unknown since many incidents are not reported due to a number of factors. Indicatively: The fear of the employers’ retaliation, the fear of being stigmatised, ignorance of labour rights and the relevant legislation, lack of trust in trade unions and/or lack of collective/fighting mentality.

One of the most common violations of the working women’s rights in Greece (also) concerns maternity. This is evidenced by the fact that many of the aforementioned reports that were gathered by the Greek Ombudsman in 2018 concerned the dismissal of pregnant employees in the private sector or the deterioration of the employment terms/conditions upon the expiry of their maternity leave (Lykovardi,

¹ Which may be due to a number of reasons such as the employers’ non-compliance of the enacted law on the protection of maternity - delivery and confinement leave - especially in the private sector, as will be discussed below.

2019:11). This is not to say that such reports and complaints do not exist in other labour/trade union bodies.²

The main objective of the manual is to empower and provide working women with valid knowledge as well as useful advice and information, so that they are able to respond in the most appropriate, effective and substantial manner against any violation or attempted violation of their rights in the workplace during or after their pregnancy. This publication does not aim to provide a critical review and assessment of the relevant legislative framework. This manual is also a useful educational and information tool for every professional and body that provides support services - counselling, psychological, legal, ancillary - (also) to women with labour issues, as well as human resources department officers and employers who wish to enhance their knowledge relating to this matter for the purpose of creating a safe working environment and the strict adherence to the existing legislative framework.

The manual is divided into two main chapters. Chapter 1 briefly presents certain actual examples of violations - covering a wide range of incidents- aimed at further developing the reader's ability to identify similar incidents and their assessment of a more representative view of the phenomenon. The same chapter provides a brief yet clear and thorough presentation of the labour rights relating to maternity, while providing information on practical issues such as required procedures and supporting documents. Chapter 2 provides certain basic guidelines for the appropriate response to violation incidents of women's labour rights as well as information on filing a report/complaint for such incidents and the receipt of (free) support services.

Thanasis Theofilopoulos,

March 2020

² See indicatively: Trade Unions Centre of Thessaloniki (2 May 2017). "DISMISSAL OF PREGNANT WOMAN". Retrieved from: <https://emporoupallilos.blogspot.com/2017/05/blog-post.html> / Centre of Athens Labour Unions (EKA) (29 March 2018). Press release 29/03/2018 "DISMISSAL OF PREGNANT WORKER". Retrieved from: <http://www.eka.org.gr/index.php/deltia-typou/1714--2018-03-29>

1. Maternity and employment: My rights

1.1. Maternity rights and protection at work.

1.1.1. Concept of discrimination and the anti-discrimination legislation.

Pursuant to the applicable legislative framework, there are two types of discrimination:

- **Direct** discrimination, which concerns the **unfair (or, in other words, less favourable) treatment of a person because of a characteristic** - specifically their race, skin colour, national or ethnic origin, descent, religion or belief, disability or chronic disease, age, **family** or social **status**, sexual orientation, **gender identity** or characteristics - **compared to the treatment of another person that is in a similar situation**,
- Indirect discrimination refers to a **provision, criterion or practice** which although appear **neutral would put persons having a particular protected characteristic** at a disadvantage compared with others (Law 4443/2016).³

Discrimination is also the act of treating a person (or group of people) unfairly because they possess one or some of the aforementioned characteristics (Law 4443/2016).

³ It should be pointed out that if this provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary - necessary for maintaining public safety, the assurance of public safety, the prevention of criminal violation, the protection of health, the rights and freedoms of others or concerns persons with disability or chronic disease and the measures are taken in their favour - then indirect discrimination does not apply (Law No. 4443 OGG 232/A/09-12-2016 I) Incorporating into Greek legislation the Directive 2000/43/EC regarding the implementation of the principle of equal treatment between persons irrespective of racial or ethnic origin, the Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation and Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers; II) enacting required measures for complying with articles 22, 23, 30, 31 para. 1, 32 and 34 of the Regulation N° 596/2014 on market abuse and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC and incorporating Directive 2014/57/EU on criminal sanctions for market abuse and the Implementing Directive 2015/2392; III) incorporating Directive 2014/62/EU on the protection of the Euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA and IV) Establishing a National Investigation Mechanism for Arbitrariness Incidents within the security corps and detention centres employees and other provisions. Retrieved from: https://www.kodiko.gr/nomologia/document_navigation/246224/nomos-4443-2016).

The Greek law explicitly provides that the least favourable treatment of women due to pregnancy or maternity is discrimination.⁴

Source: Law 3896/2010

With respect to **the occupation and employment sector**, regardless of race, colour, national or ethnic origin, descent, religion or other beliefs, disability or chronic disease, age, **family** or social status, sexual orientation, **gender identity** or characteristics, the principle of equal treatment is applied to all persons in the public and private sector, with respect to:

- The terms of access to employment and occupation in general, including the selection criteria and hiring terms, regardless of the activity sector and at all levels of the corporate ladder as well as the terms of career and professional development;
- Access to all kinds and levels of career orientation, training, professional training, education and career reorientation, including the acquisition of practical work experience;
- The terms and condition of employment and occupation particularly in terms of earnings, dismissal, health and safety in the workplace as well as reintegration and re-employment in case of unemployment;
- The member's capacity and participation in a workers' or employers' trade union or in any professional organisation, including the benefits and obligations that arise from the member's participation in these and particularly the right to vote and to stand as a candidate in elections (Law 4443/2016).

A non-exhaustive list of discriminations on grounds of gender and/or family status in the employment sector may include:

- Low pay (for the same job) compared to men;
- Setting obstacles / denial for promotion and assuming position of responsibility (e.g. Supervisor or managerial position) due to gender;
- Non-recruitment or dismissal on grounds of being pregnant, maternity or having multiple children;
- Gender-specific job recruitment ads, without being able to substantiate that the position has specific job requirements.

⁴ As specified in article 3, paragraph 4 of Law NO 3896/2010: for the cases of P.D. 176/1997 and 41/2003 and Law NO 3655/2008. See next subsections.

- Employers cannot refuse to hire a woman because she is pregnant or has a pregnancy-related condition.⁵
- For jobs requiring the submission of a medical certificate in order to be hired, the pregnant woman shall be hired without such a certificate if the medical examinations required pose a risk to the health of the mother or the foetus.
- In this case the medical certificate shall be provided after the maternity leave period.⁶

Sources: Law 3896/2010

Legislation (Law 3896/2010; Law 4443/2016) stipulates that the **Greek Ombudsman** shall be body for monitoring and promoting the principle of equal treatment in the aforementioned fields (employment and occupation access terms, access to all kinds and levels of professional orientation, employment and occupation terms and conditions, member's capacity and participation in a workers' or employers' trade union or in any professional organisation) **in the private, public and wider public sector** (see Chapter 2 of this manual).

Legislation also stipulates that legal persons, unions or organisations including social partners and trade unions, whose purpose also includes the safeguarding of the principle of equal treatment, regardless of the above characteristics, may represent the discriminated party before the courts and represent them before any administrative authority or body (e.g. the Greek Ombudsman or the Labour Inspectorate), as long as he/she provides his/her consent through a notarial document (where applicable) or private document in advance, which will bear their certified signature (Law 4443/2016). For example, further to the discriminated party's consent they can represent him/her at labour centres, federations or primary associations (Galanou, 2016:26). If the victim belongs to a specific population group – for example, if she is a transgender (trans)⁷ woman - she can also be represented by legal persons, associations and organisations that defend the rights of this specific population group, such as Transgender Support Association in this case (Galanou, 2016:26).

Lastly, a significant legislative point concerns the partial shift of the burden of proof: A victim of discrimination - pursuant to the aforementioned provisions and stipulation of Law 4443/2016 on the forms of discrimination, scope and protected characteristics, which states that when the injured party claims that the principle of equal treatment has not been upheld and he/she proves before the court

5 Unfortunately, in many instances it is not possible to prove that the woman was not hired because of being pregnant, and on many occasions the employer will invoke (falsely) other reason for not hiring the woman.

6 Subject to the provisions of PD 176/1997 as amended by PD 41/2003 as respectively referred in Law 3896/2010.

7 The term "Trans", short for "Transgender", is an umbrella term which includes those people who have a gender identity which is different to the gender assigned at birth. Trans is a broad term that includes trans men and trans women, as well as other gender identities such as non-binary, agender, etc. (See Transgender Europe (4 July 2016). "Glossary". Received from <https://tgeu.org/glossary/>).

or administrative authority the facts which can support a direct or indirect discrimination, then it is the burden of the perpetrator(s) (contesting party) or administrative authority to prove that there were no conditions supporting a violation of this principle. In other words,

you only need to claim to the court or the Greek Ombudsman or other independent authority that you a victim, without needing to provide evidence. A full shift of the burden of proof means that the victim does not need to prove their allegation. It means that the alleged perpetrator is called on to provide counter proof. For example, in the case of discrimination of grounds of sexual orientation in the workplace, it suffices for the individual to allege (without needing to provide evidence) that he/she was discriminated on grounds of sexual orientation. The employer is the one that needs to prove (not just deny, but to provide witnesses, documents, evidence, etc. as proof) that any discrimination was not related to the employee's sexual orientation (Sotiropoulos, 10 December 2016).

The above rule does not apply in criminal cases.

In order to prevent discrimination against women due to marriage or maternity and to secure their real right to work, the Member-States shall undertake appropriate measures aimed at:

(a) To prohibit, on penalties, the dismissal on grounds of pregnancy and discrimination on the basis of marital status.

(b) To establish the provision of paid pregnancy or pregnancy leave entitling them to similar social benefits by guaranteeing the maintenance of prior employment, seniority rights and social benefits.

(c) To encourage the provision of the necessary social support services to enable parents, in order to combine family responsibilities with professional responsibilities and participation in public life, in particular by favouring the establishment and development of a kindergarten network.

(d) To provide special protection to pregnant women whose work has proven to be harmful.

United Nations Convention on the Elimination of all forms of discrimination against women, as ratified by Law 1342/1983 - excerpt from Article 11.

1.1.2. Protection and rights of pregnant or breastfeeding workers:⁸

- **Protecting the health of pregnant workers:** The employer must take all the necessary measures in order to facilitate the pregnant worker, so that she is not exposed to risks that may harm her health or the health of her child.

⁸ Subsection sources: PD 176/1997 as amended by PD 41/2003; INE/GSEE, 2019:10,12,14.

- Time off for medical examinations/high-risk pregnancy:
 - The pregnant worker is entitled to receive time off during her working hours to undergo antenatal care, without this affecting her pay.

When an employee must stay at home due a high-risk pregnancy, then she receives sick leave, the duration of which depends on the time that she is employed by the specific employer. This leave is **actual working time** and is **not** deducted from normal paid leave.

- Should complication arise during the pregnancy, the employer is required to provide the employee with leave for rest or medical examinations and to provide her with any other facilitation measures to ensure that pregnancy progresses smoothly.
 - **Protection from hazards in the workplace:** The employer must take all the necessary measures in order to facilitate the breastfeeding worker, so that she is not exposed to risks that may harm her health.
 - **Exemption from night shift:** Enterprises that employ pregnant workers must avoid assigning these workers to night shifts.
 - **Daytime work:** By invoking health reasons, a pregnant worker is entitled to transfer to daytime work.
- **Balance of family and work life:** The employer must take the necessary measures in terms of working conditions and time, to ensure that all the necessary requirements are met in order for the female worker's work and family life do not come into conflict. A worker, who works the night shift according to her contract, shall be transferred to a daytime position.
 - **Adaptation of working hours:** Upon returning to work, a working mother has the right to make a request to her employer to adapt her working hours, so that these correspond to her new family situation, and the employer must take all the necessary measures. In particular, the employer is required to consider the request for flexible working hours, but has the final say on the respective request.
 - **Transfer to another position:** If the adaptation of the working conditions and/or the work hours are technically and/or objectively impossible resulting in the working position carrying an ongoing risk for the pregnant or breastfeeding worker, the employer is required to transfer the worker to a (vacant) position, which does not pose any risks for the pregnancy.

Exemption from work: If it is not possible to change job positions (e.g. technical or objective reasons), the pregnant or breastfeeding worker is exempt from work for the duration that is necessary to protect her health and safety and that of her child.

The aforementioned changes, i.e. adaptation of working conditions and/ or working hours, transfer from night work to daytime work, change of work position, which aim at safeguarding the health of the pregnant or breastfeeding worker, **do not entail a loss of pay or other rights that arise from the contract or from the employment relationship with the employer.**

Source: P.D. 176/1997 as amended by Presidential Decree 41/2003.

1.1.3. Protection against dismissal:⁹

- **The termination** of an employee's employment contract due to her pregnancy or maternity is prohibited and invalid. This provision is valid for 18 months from birth or for a longer period due to illness due to pregnancy or childbirth.

Dismissal protection does not relate to whether or not the employer knew about the pregnancy, nor can the stage (month) of pregnancy lead to the termination of the employee's protection. It should be noted at this point that the non-renewal of a fixed-term contract after its expiry is not considered as dismissal and is not prohibited.

- The protection of an employee from termination of her contract/ employment relationship also applies to an employer who has been hired without having worked elsewhere before completing eighteen (18) months from childbirth and against a new employer from which to complete the above time intervals.
- It is **forbidden** to treat any employee adversely or modify/ unilaterally change her contract due to her pregnancy or maternity.
- An employer is prohibited from terminating a worker's contract:
 - During her pregnancy
 - For up to 18 months postpartum
 - While the worker is absent due to illness because of her pregnancy or childbirth. **Postnatal depression**¹⁰ includes health problems that are associated with the pregnancy and childbirth.

⁹ Subsection sources: 1483/1984; PD 176/1997 as amended by PD 41/2003; Law 3896/2010; Law 3996/2011; KEPEA/ GSEE, n.d.d.

¹⁰ "Postnatal Depression is a phenomenon that follows childbirth. Sometimes there is an obvious cause, whereas most times there isn't. (...) This phenomenon may last for weeks, or even months. Individuals with mild postnatal depression can be helped by receiving support from friends and family. Individuals with a more serious form of depression will need medical assistance by their doctors, a health visitor, or in some cases a psychologist or psychiatrist. (...) may also experience depression during pregnancy. This is more common than people think and the pregnant woman can be helped in the same way as in postnatal depression. (...) Most cases of postnatal depression start within one month of giving birth, but can even start up to six months after having a baby".

- **EXCEPTIONS: The dismissal of an employee is permitted**, 18 months post-partum, or during her absence due to illness caused by pregnancy or childbirth, **only if a significant reason is invoked**.¹¹
 - However, reduced work performance of a worker on grounds of pregnancy cannot be accepted as such a reason.
 - The employer is required to justify the lawful dismissal of the pregnant, postpartum or breast-feeding worker in writing in the proper manner and to notify the Labour Inspectorate of the dismissal.
 - If the pregnant woman's dismissal is illegal and unfair, the court may order the employer to compensate the worker for moral damages.

To reconcile family and professional life, everyone shall have the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child.

CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION (2012/C 326/02), Article 33 Family and professional life

1.1.4. Maternity leave:¹²

- **Duration of leave:** Maternity leave of up to 17 weeks / 119 days is provided to working mothers; of this period, the first 8 weeks must be taken prior to childbirth, whereas the rest after childbirth (continuous/single leave).

Postnatal depression symptoms include irritability (frequent anger, annoyance), fatigue, insomnia, loss of appetite, the inability to enjoy anything, the feeling of being unable to respond to needs or the new role as a mother, feelings of guilt, anxiety (in Postnatal depression (Royal College of Psychiatrists (n.d.). Depression after birth)". Retrieved from: <https://www.rcpsych.ac.uk/mental-health/translations/greek/postnatal-depression>).

11 Examples of such "significant reasons" include, under certain conditions, reasons that are irrelevant to the worker's pregnancy, such as:

- Business closure;
- The worker's gross negligence/non-response to her duties (provided that this violation, e.g. reduced work performance, cannot be attributed to her pregnancy or postpartum condition)
- Inappropriate behaviour (for example, verbal abuse towards employer, creation of a hostile work environment, etc., in these examples such behaviour could possibly be associated with certain situations that the worker is experiencing, such as postnatal depression).

I extend my warmest thanks to Dimitris Charisis, a lawyer specialising in labour law issues, for the provision of information and clarifications.

12 Subsection sources: EGSSE 1993; EGSSE 2000 – 2001; INE/GSEE, 2019:11; KEPEA/GSEE, n.d.f.; Law 2874/2000; PD 176/1997 as amended by PD 41/2003.

- If childbirth takes place earlier than the expected date, then the remaining leave will be taken after childbirth, so that 17 weeks leave is taken.
- If childbirth takes place later than expected, then the first 8 weeks of leave will be extended up until childbirth without taking into account the remaining 9 weeks leave, which will be taken as arranged. With respect to the additional leave (i.e. In excess of 17 weeks), provisions on short-term illness shall apply.¹³
- **Which working mothers are entitled to leave:** The above leave is **compulsory** and is granted to working women with a fixed-term or indefinite duration contract, regardless of their employer, regardless of years of service (with the employer), their capacity (e.g. employer or labourer), the validity of the employment contract, if they are married or not, their age, ethnicity or religious beliefs.
- Leave and confinement allowance in the event of the death of the embryo or born child:
- If a pregnant worker gives birth to a stillborn baby, provided that the required time has lapsed for a baby to be born alive (28th week) according to the science of medicine, leave and confinement allowance are granted as per normal. Following this period, if the working woman who gives birth to a stillborn baby or if her child dies during the postnatal period, then the burden on the health of this worker is considered to be the same as the burden of a working woman who is in the postnatal period and her child is alive.

13 “SHORT-TERM” ILLNESS LIMITS

Pursuant to Law 4558/30, “short-term illness” is the illness, under the same employer, which lasts:

- One month for those who have been employed for up to 4 years
- Three months for those who have been employed between 4 to 10 years
- Four months for those who have been employed between 10 to 15 years
- Six months for those who have been employed for more than 15 years

The meaning of the above provision is that the employer cannot, under any circumstances, consider the employee’s absence a voluntary resignation within the above time frames and for the above reasons, illness, confinement leave.

ILLNESS OF A LONGER DURATION IS NOT CONSIDERED A RESIGNATION

However, this does not mean that every illness of a longer duration can be considered a resignation from one’s employment. For this to be the case, it is necessary for the employee to demonstrate their desire, intent to resign at the same time. The same is true for abstention that is due to other reasons.

A review of the reasons for abstention and the employee’s intent or not to resign is key to determining whether such cases constitute resignation or not.

These issues have a great practical significance for employees. If the employer does not accept their services after their sick leave, or the reason following the abstention by considering that they have voluntarily resigned, as in the case of an invalid dismissal, the employees can either claim salaries in default and maintain their job, or compensation for dismissal” (at the GSEE Information Centre for Workers & Unemployed - KEPEA/GSEE. (n.d.k.). “Short-term sick leave”. Retrieved from: <https://www.kepea.gr/aarticle.php?id=155>).

1.1.5. Childcare leave:¹⁴

- **Reduction of working hours after the confinement period:** Thirty (30) days after the confinement leave (i.e. 9 weeks after childbirth), the working mother is entitled to work one (01) hour less every day; also, if she is entitled to this leave and in consultation with her employer, instead of working one hour less every working day for 30 months, she can opt to work two (02) hours less per (working) day for 12 months and one (01) day less for another six months.
- **Reduced working hours alternatively used for child caring:** If the employer consents, the aforementioned reduced working hours are granted for the purpose of child caring as a paid leave for an equal period of time, either paid in instalments or as a once-off amount.
- **Care leave is working time:** Care leave is accounted for and paid as normal working hours and should not be the reason for unfair working conditions and relations.



14 Subsection sources: EGSSE 1993; EGSSE 2002 -2003; EGSSE 2004 – 2005; INE/GSEE, 2019:11; KEPEA/GSEE, n.d.e.; Law 3144/2003; Law 4342/2015.

1.1.6. Special OAED 6-month leave:¹⁵

Six-month special maternity protection leave: After the expiry of their confinement leave and the reduced working hours leave, mothers who are insured with EFKA (ex IKA-ETAM) and are employed on a full- or part-time basis under fixed-term or indefinite duration contracts by industries, handicraft manufacturers and commercial businesses, holdings or operations in the private sector, which operate under any form in Greece, are entitled to receive six-month special maternity protection leave.

- **Procedure for granting the special leave:** The leave can be used in its entirety or in part, further to the relevant request by the insured party, and can also be terminated further to the employer's written consent. The remaining term of this leave **cannot** be transferred in time.
- The request is submitted to the competent OAED office within sixty (60) days of the maternity leave, the reduced working hours or the annual leave expiring. If a mother does not use the reduced working hours leave, she is entitled to receive the special maternity protection leave upon expiry of her confinement leave, and then use the reduced working hours leave.
- The six-month special maternity protection leave cannot be offset with another maternity protection leave, while its issuance does **not** affect the breastfeeding leave and child caring leave.
- If an agreement is reached for the provision of reduced working hours, the six-month special maternity protection leave is granted immediately after, whereas if the reduced working hours leave is not used, it is granted after the maternity leave (childbirth and confinement) followed by the special breastfeeding leave and child caring leave, for a period of 30 months or, alternatively, as agreed between the employer and the employee.
- **Necessary supporting documents:** The applicant needs to provide the following supporting documents to OAED:
 - An employer's certificate which indicates the active employment relationship during the commencement of the maternity leave; the type, form, duration of the employment relationship; the monthly earnings; the hiring date and in the case of fixed-term contracts, the date of expiry and the date that normal annual leave was taken, which may have been granted after the confinement period or the equivalent reduced working hours;
 - copy of the maternity benefit decision (pregnancy - confinement) from IKA-ETAM,
 - The beneficiary's statutory declaration with which she assumes the obligation of notifying OAED of any change in her employment relationship with eight (08) days. The insured party's IKA-ETAM registration number and tax identification number will be stated in the same statutory declaration;
 - The beneficiary's account number (IBAN) held at the National Bank of Greece (photocopy of the first page of the bank book).

¹⁵ Subsection sources: Law 3655/2008; Law. 3996/2011; Law 4488/2017; INE/GSEE., 2019:11-12; KEPEA/GSEE. n.d.; MINISTERIAL DECISION 33891/606/2008 - OGG 833/B/09-05-2008.

- Amount granted by OAED:
 - For full time employees: During the six-month special maternity leave, the working mother receives an amount from OAED that is equivalent to the minimum wage.
 - For employees working on a part-time/casual or rotation basis: If the working mother is employed up to four (04) hours a day or up to thirteen (13) days a months on average in the six-month period preceding the maternity leave, then she is given an amount that is equivalent to half (of the minimum wage).

Regardless of the employment status, the working mother receives Christmas and Easter bonuses and annual leave allowance according to the amount that is paid by OAED.

1.1.7. Maternity benefits:¹⁶

1.1.7.1. Childbirth Aid - Maternity (Maternity - Pregnancy) Allowances:

Childbirth allowance: One-time childbirth allowance is available to directly insured, pensioners and women insured and retired.

The allowance is granted by the Department of Health Benefits of the Local Insurance Unit (IKA) at the place of residence of the insured, where the following documents are provided:

- Insured and spouse's Health Record Book. For the birth of the insured spouse, the Personal and Family Health Booklet.
- Birth certificate.
- Maternity (pregnancy-maternity) benefits: The right to maternity benefits is granted to directly insured persons who have completed at least two hundred (200) days of insurance in the last two (02) years, immediately preceding the actual date of birth. Maternity benefits are paid for 119 days (56 days before childbirth - pregnancy allowance and 63 days after childbirth - childbirth allowance).
 - Pregnancy allowance: Pregnancy allowance is paid in advance 56 days before the probable date of birth. In order to be paid, the insured person must submit to any Employee Service of IKA-ETAM, at the Benefits Department:
 - ♦ Certificate of Obstetrician-Gynecologist by the Pedi or a contractor of EOPYY or State Hospital with the possible date of birth.
 - ♦ Certificate - Statement by the employer of abstention from work for the entire 119-day subsidy period.
- Maternity allowance: The payment of maternity allowance requires the submission of the child's birth certificate.

¹⁶ Subsections sources: Law 4659/2020; Manpower Employment Organisation OAED (n.d.a); Social Insurance Institute IKA (n.d.).

- Early childbirth (beyond 30 days) requires a certificate from the Clinic Director. Pregnancy days are transferred after the end of pregnancy.
- Extension of pregnancy beyond 10 days requires the opinion of the Primary Health Committee (PTS).

1.1.7.2. OAED allowance:

For an EFKA (formerly IKA) insured person, who has a private employment relationship law (that is, they provide subordinate work), allowance is paid, subject to the following conditions:

- work at the start of the maternity leave, after childbirth
- have received the EFKA (formerly IKA) allowance for abstinence from work and pregnancy.

Also, presumptive mothers of Article 1464 of the Civil Code are entitled to the allowance, but only for the period when they were granted leave and the childbirth allowance by EFKA (formerly IKA).

The amount of the allowance is equal to the difference that derives from, if the remuneration paid by the employer is deducted from the allowance paid by EFKA (formerly IKA) for the same period.

The submission procedure involves submitting an application (by the interested party or its representative) to the OAED Competent Office within three (03) months of the date of payment by EFKA (formerly IKA). The application can also be submitted via the KEPs or electronically via the OAED e-Services.

The decision can be made either through your own OAED e-services account or from the 2 OAED Employment Promotion Center (CAD) where your request was made.

The supporting documents are:

A) Necessary supporting documents for registration in the OAED register

- Officially issued document that will demonstrate the VAT number
- A DEKO or landline company account, or a copy of a home lease agreement, deposited with the competent DOY.
- Identity card in force (ID card, Passport etc.)
- Official document from which the AMKA will appear
- Residence or work permit for unemployed third-country nationals.

B) Necessary supporting documents for the **grant**

- IKA health insurance booklet
- Employer Certificate
- Certificate of HFSA (formerly IKA) for the duration of the subsidy, the amount of the daily allowance and the total amount of pregnancy and maternity benefits paid.

- Bank account number (IBAN) in which the person concerned must appear as the first beneficiary.

IMPORTANT NOTE: The OAED Competent Office has the right to request any additional supporting documents if necessary for the adoption of the decision.

1.1.7.3. “Birth allowance”

A birth allowance of two thousand (2,000) euros is granted for each child born in Greece.

The beneficiary of the allowance is - legally and permanently residing in Greece - the mother of the child, provided that she or the child’s father (in the event of the mother’s death or the child’s unintentional abandonment of the child, the allowance is paid to the resident legally and permanently in Greece father of the child, provided that he/ she cares for the child - in any case the allowance is paid to the resident legally and permanently in Greece who cares for the child) belongs to one of the following categories:

- citizen of Greece **or**
- expatriate foreigner - or holding a Homogeneous Identity Card **or**
- citizen of a Member-State of the European Union **or**
- a citizen of a State belonging to the European Economic Area **or**
- a citizen of the Swiss Confederation **or**
- third-country national, who has been resident in Greece for the last twelve (12) years prior to the child’s birth year.

Other conditions:

The birth allowance is paid on the basis of the equivalent family income, which is defined as the total, real or imputed, income from any source of domestic and foreign origin before taxes, after deduction of social security contributions, excluding taxable allowances. income, of all family members, divided by the scale of equivalence.

The equivalence scale is derived from the weighted sum of family members according to the following weighting:

- beneficiary parent: weighting 1,
- spouse of the beneficiary parent or his/ her dependent on a cohabitation agreement: weighting 1/2,
- each dependent child: 1/4 weight.

Especially for single parent families, the first dependent child is weighted 1/2 and each subsequent dependent child 1/4. Dependent on the payment of the allowance means the children who are unmarried and at the date of birth of the child for whom the allowance is claimed, no later than December 31 of the year in which the eighteenth (18th) year is completed.

- Beneficiaries of the allowance are those whose equivalent family income does not exceed forty thousand EUR (40,000) per year.
- Exceptionally, for children born in the country in 2020, 2021, 2022 and 2023, the allowance is granted if their mother, as a third-country national in the present case, has been resident in the Greek territory since 2012 and thereafter.

Procedure:

The application for the birth allowance is submitted electronically:

- in the Citizen's Registry Information System Subsystem for a child's birth registration **or**
- the application of the Child Birth Benefit of the Welfare and Social Solidarity Organization, implemented by the company «E-Governance Social Security SA» (HDIKA SA).

Once the application is approved, the allowance is paid by the Welfare and Social Solidarity Agency (OPECA) in two installments of one thousand (1000) euros each.

The allowance is **not** taxable and is not exempt from any fees, levies or withholdings in favour of the State or a third party, including the special solidarity levy referred to in article 29 of Law 3986/2011, shall **not** be confiscated for any debt or offset against established debts to the State, legal entities of public law, Local Authorities, legal entities of the latter and insurance funds, as well as **not** being seized by credit institutions for debts to them or set off against debts to credit institutions and is **not** counted against total, actual or imputed family income.

1.1.8. Parental leave:¹⁷

Parental leave refers to child-raising leave, leave to care for sick family members, leave to care for a child with health problems (specifically: A disease which requires blood transfusion and factors or dialysis, cancer, transplantation, severe mental retardation or Down syndrome), leave for monitoring school performance and finally, leave for single-parent families.

1.1.8.1. Child-raising parental leave:

- This leave may be granted up until the child turns six (06) years of age and in order to receive it, working mothers need to be employed by the employer for at least one (01) year - continuously or intermittently - with the exception of a more favourable arrangement by way of a special provision of the law, decree, regulation, collective labour contract, Administrative Decision or agreement between the employees and the employers.

17 Subsection sources: Law 1483/1984; Law 2639/1998; Law 2874/2000; Law 3863/ 2010; Law 3896/ 2010; Law 4075/2012; Law 4488/2017; Law 4521/2018; EGSSE 2000-2001; EGSSE 2002-2003; EGSSE 2008-2009; INE/GSEE, 2019:12-13; KEPEA/GSEE, n.d.a.; KEPEA/GSEE, n.d.b.; KEPEA/GSEE, n.d.c.; KEPEA/GSEE, n.d.h.; KEPEA/GSEE, n.d.i.

- This leave is received without pay and is granted in writing, once off or in segments, further to the relevant request which states the start and end, for at least four (04) months. Every working parent is entitled to this right and they are not entitled to transfer it.
- Each year employers maintain an order of priority for granting this leave although **priority** is given to requests for children with disability, long-term or sudden illness and single parents due to the death of the other parent, removal of parental care or non-recognition of children.
- If there is more than one child, the parental leave right applies to each child separately given that a year of employment has lapsed with the same employer from the end of the parental leave that was granted for the previous child with the exception of a more favourable arrangement by way of a special provision of the law, decree, regulation, collective labour contract, Administrative Decision or agreement between the employees and the employers, unless a specific provision of the laws, decrees, regulations, collective labour contracts, Administrative Decisions or agreements between the employees are more favourable.
- In the event that both parents of the child(ren) work for the same employer, they will need to submit a joint declaration stating which parent will make use of the leave and for how long.
- The child-raising leave is granted **twice** in the following circumstances: Death of a parent, removal of parental care, non-recognition of children. In the event that the parents are separated or have divorced, then both parents are entitled to the child-raising leave.

1.1.8.2. Leave to care for sick family members:

Women who are employed under a private law employment relationship on a full time or part time basis or retainer agreement relationship at holdings or businesses, have the right to take unpaid leave of six (06) days per year should a dependent family member falls ill.

Dependent members include:

- Natural, adopted or recognised children aged up to 16 years of age.
- Children over 16 years of age in the event that they suffer from a severe or chronic illness or disability and the parents have custody of these children.
- A spouse who cannot take care of him/herself due to disability or acute, severe or chronic illness.
- Parents and single brothers/sisters who, due to age, disability or acute, severe or chronic illness, cannot take care of themselves, provided that the employee is responsible for their care and their annual income does not exceed the annual income of an unskilled worker's daily wage, who is paid with the minimum daily wage that is in force each time, calculated on 25 daily wages per month.
- This leave is **unpaid**; it is received once off or in segments for a period of up to six (06) working days per year, and provided the working mother protects two children, this leave can be increased to eight (08) working days and to twelve (12) working days if she protects three or more children.
- Each parent or spouse is entitled to receive this leave, regardless of the rights that stem from other legal provisions.

1.1.8.3. Leave to care for a child with health problems (specifically: A disease which requires blood transfusion and factors or dialysis, cancer, transplantation, severe mental retardation or Down syndrome):

- The natural, adoptive or foster working parent of a child aged up to 18 years of age that has one of the aforementioned health problems is entitled to receive **paid** parental leave for a period of ten (10) working days per year with absolute priority, further to submitting the relevant request.
- In addition, a natural, adoptive or foster parent of a child aged up to 18 years of age that is hospitalised due to an accident or illness that needs their direct presence (their parent), is entitled to take **unpaid** leave of absence for the duration of the hospitalisation - up to 30 working days per year - in the event that the statutory child-raising parental leave has already been exhausted.

Each parent, on their own, is entitled to request and receive the above leaves, without any additional conditions, in addition to other related facilitations that are available to working parents for family reasons, which are provided for by other provisions and after having exhausted relative entitlements (paid) outside the ordinary annual leave.

1.1.8.4. Leave of absence for monitoring school performance:

- Parents of children aged up to 16 years that attend elementary or secondary education are entitled to receive paid leave of up to four (04) working days per year in total for both for monitoring school performance. Elementary education also includes kindergarten. If the child turns 4 years of age on the 31st December of the year of enrolment, kindergarten will have a two-year period.
- The leave can last the full day or for a few hours.
- The leave is issued separately for each child that is a pupil.
- If both parents work, they will decide between them who will take the leave. If they both wish to take the leave, then they need to decide how long each parent will be absent from work; however, the total time cannot exceed 4 days.
- This leave is granted to the working parent irrespective of whether the other parent works away home or not and regardless of the number of employees in the business.
- In the event that there is a more favourable arrangement by way of a law, Collective Labour Agreement or Employment Regulation, this arrangement will enter into effect.

1.1.8.5. Leave for single-parent families:

- Employees who are widows/widowers as well as single parents who have custody of their child are entitled to receive paid leave for six (06) working days per year in addition to the leave that they are entitled to. In particular, parents with three (03) or more children are entitled to leave for eight (08) working days.
- Given the increased need of caring for a child up to 12 years of age, this leave is granted in segments or once off further to consultation with the employer, but cannot coincide with the start or end of the ordinary annual leave.

Single working mothers

In terms of the aforementioned rights and obligations of **single and married working women**, the Greek legislator considers them to be **equal**: For example, single parents are entitled to receive child-care leave.

Source: INE/GSEE, 2019:10-11

Transgender (trans) men

without their gender identity being legally recognised

Working transgender (trans) men **without** their gender identity being legally recognised, i.e. who have not changed their name/sex on official documents and registers according to the procedures and prerequisites provided for under Law 4491/2017¹⁸ - who acquire a child in any manner, enjoy the same rights for protection against the termination of their employment relationship and the protection of the family and facilitation of working mothers with those of working cisgender¹⁹ women.

1.1.9. Fostering, adoption and surrogacy: What applies to working mothers:²⁰

- The working women's protection against the termination of their employment relationship also applies to women who have acquired a child through adoption (for a child up to the age of six (6) and

18 According to Article 3 of Law 4491/2017:

“1. In the event of an inconsistency between the gender identity and registered gender, the person may request the correction of the registered gender, so that this corresponds to his/her desire, the personal feeling of their body and external image.

2. The correction of a registered sex requires the complete (full) legal capacity of the individual, with the exception of minors who have turned seventeen (17) years of age, provided there is express consent by those exercising their parental care and minors who have turned fifteen (15) years of age, provided there is an additional favourable opinion of an interdisciplinary Committee set up by a joint decision of the Ministers of Justice, Transparency and Human Rights and Health for two (2) years, which shall be attended by:

- a) a child psychiatrist,
- b) a psychiatrist,
- c) an endocrinologist,
- d) a paediatric surgeon,
- e) a psychologist,
- f) a social worker and
- g) a paediatrician, as the Chair, all of who are experts in this issue.

3. A prerequisite for the correction of the registered gender is that the person requesting the correction is not married.

4. In order to correct the registered gender, there is no need to verify that the person has undergone any previous medical intervention. Nor is a prior examination or medical treatment that is related to his/her physical or mental health required” (Law No. 4491 OGG A, 152/13-10-2017. Legal recognition of gender identity - National Mechanism for the Preparation, Monitoring and Evaluation of Action Plans for Children's rights and other provisions. Retrieved from: https://www.kodiko.gr/nomologia/document_navigation/304143).

19 Cisgender or Cis - for which there is no accurate translation in Greek - is a term used to describe non-trans people (in Transgender Europe (4 July 2016). “Glossary”. Retrieved from <https://tgeu.org/glossary/>).

20 Subsection sources: EGSSE 1993; EGSSE 2000 – 2001; EGSSE 2006-2007; EFKA Circular no. 5/Ref. No.: 143091/29-01-2018; Law 1483/1984; Law 4075/2012; Law 4342/2015; Law 4488/2017; Law 4538/ 2018; INE/GSEE, 2019, p. 11-14; KEPEA/GSEE, n.d.d.; KEPEA/GSEE, n.d.g.; KEPEA/GSEE, n.d.h.



from the time that the child is placed with the family) as well as working women who participate in the surrogacy procedure, either as intended (=acquiring) mothers, from the birth of the child or as carrier (=surrogates) women.

- Foster and adoptive parents:
 - The aforementioned rules regarding the protection of the family and the facilitation of working parents also apply to **foster** and **adoptive** parents.
 - **Foster** and **adoptive** parents of a child **up to 6 years of age** are entitled to receive **child-raising leave** with the adoption date being set as the commencement period.
 - **Foster** and **adoptive** mothers of children up to six years of age are entitled to receive **child-raising leave** which is granted upon completion of the fostering or adopting process whereas part of this leave may be granted prior to the completion of the procedure. If the fostering or adoption process has not been completed by the time the child reaches six years of age, this right shall apply until the child turns eight (08) years of age.
- Surrogacy:
 - A **special maternity protection allowance** is also granted to a working woman who has acquired a child through surrogacy.
 - Parents of a child that is acquired through surrogacy are entitled to receive **child-care** and **child-raising leave** just like a child's natural parents.
 - During the breastfeeding period, both the surrogate mother who gave birth and the intended mother are entitled to **reduced working hours**.
 - A working woman who acquires a child through surrogacy is entitled to receive **maternity leave** after the birth of the child(ren), i.e. nine (09) weeks confinement leave.
 - During the leave, the intended mother is entitled to receive all the relevant **maternity-related pay and allowances** if she meets the prerequisites that are set out in the statutory provisions of the insurance fund that she belongs to.

Adoption, fostering and working transgender women with
their gender identity being legally recognised

The relevant stipulations and provisions for working women that acquire a child through adoption or fostering apply to all women whether cisgender²¹ or transgender, whose gender identity has been legally recognised.²²

21 Cisgender or Cis - for which there is no accurate translation in Greek - is a term used to describe non-trans people (in Transgender Europe (4 July 2016). "Glossary". Received from <https://tgeu.org/glossary/>).

22 Important note: Pursuant to Law 4491/2017, if a person who has proceeded with the legal recognition of his/her gender identity already has children, born in wedlock, cohabitation agreement or out of wedlock, or adopted, his/her parental care rights and obligations are not affected.

With respect to trans women and their ability or not to acquire a child through surrogacy, pursuant to Article 3 of Law 3305/2005, it (the surrogacy) refers to "the event that a woman carries and gives birth (carrier), after in vitro fertilisation or the transfer of fertilised ova (which are not hers) on behalf of another women, who wishes to acquire a child, but is medically unable to carry the pregnancy to term".

Article 1458 of the Greek Civil Code describes the procedure for acquiring a child through surrogacy:

"The transfer of fertilised ova into the body of another woman (the ova should not be hers) and the pregnancy by her is permitted further to court authorisation which is granted before the transfer, given that there is a written and, without any financial benefit, agreement between the persons wishing to have a child and the surrogate mother and in case that the latter is married of her spouse, as well. The court authorisation is issued further to an application by the woman who wishes to have a child, provided that evidence is adduced not only in regard to the fact that she is medically unable to carry the pregnancy to term, but also to the fact that the surrogate mother is in good health and is able to become pregnant".

The term "medically unable" can be construed as a condition/medical problem of the intended mother resulting in her inability to fall pregnant and seeks to acquire a child through a surrogate (=carrier) mother.

The non-existence of internal reproductive organs (uterus, fallopian tubes, ovaries) in a transgender (trans) women is not a "condition" / "medical problem", but rather her body's anatomy/physiology that does not agree with her gender identity.

Therefore, there is a need for a positive legislative change that will allow transgender women to acquire a child through a surrogate mother (also).

1.2. Legislative – regulatory provisions for self-employed working mothers

1.2.1. Maternity allowance for self-employed women:²³

Pursuant to Greek law, female self-employed workers may be granted a maternity allowance enabling interruptions in their occupational activity owing to pregnancy or motherhood for at least fourteen (14) weeks.

In addition, this allowance may also be granted to:

- Pregnant self-employed women
- Intended (=acquiring) self-employed mothers that fall under Article 1464 of the Greek Civil Code and
- Self-employed women who adopt a child up to the age of two (02) years.

Procedure and the supporting documents for granting maternity allowance to self-employed women:

Due to pregnancy and confinement, self-employed women are entitled to a maternity allowance of one hundred and fifty (150) Euros for a period of four (04) months.

The prerequisites for granting of this allowance include:

- Insurance fund contributions shall be paid in full and she will be entitled to sickness benefits at the date of birth,
- The applicant shall not be entitled to maternity allowance by another insurance carrier.

For the allowance to be issued, the following supporting documents need to be provided:

- An application by the insured party addressed to the local Regional Directorate of the (former) OAAE.
- Birth registration act or a doctor's certificate from the maternity hospital confirming that the birth took place
- Statutory declaration that she is not entitled to maternity allowance from another insurance carrier.

Supporting documents for granting maternity allowance to self-employed surrogates, intended (=acquiring) mothers and women that adopt:

²³ Subsection sources: EFKA circular no. 5/Ref. No.: 143091/29-01-2018; EFKA circular no. 47/Ref. No.: 1130613/25-09-2019; JMD Φ.40035/41931/1653/20-01-2015; Law 4097/2012; Law 4488/2017.

The following supporting documents are required for self-employed surrogate mothers to receive the allowance:

- Court authorisation for the surrogacy
- The child's birth registration act.

In case of adoption, the following are required:

- Final adoption order
- Family status certificate

1.2.2. Granting of maternity allowance to women who are insured with the Insurance Fund for Independent Professionals (ETAA) and exclusively work as freelancers:²⁴

Women who are insured with the Insurance Fund for Independent Professionals (ETAA) who are exclusively self-employed, are entitled to a monthly maternity allowance of two hundred (200) Euros for four (04) months due to pregnancy and confinement.

The prerequisites for the granting of this allowance include:

- Entitlement to sickness benefits in kind as well as
- Being exclusively self-employed.²⁵

The interested party needs to provide the following supporting documents:

- Application to the local ETAA Insurance Office
- Birth registration act or a doctor's certificate from the maternity hospital confirming that the birth took place
- Statutory declaration that she is exclusively self employed and she is not entitled to maternity allowance from another insurance carrier.

Application submission deadline: The application must be submitted within six (6) months of the date of delivery.

²⁴ Subsection sources: JMD ref.no.: Φ.10060/15858/606/07-10-2014; Ministerial Decision Φ.80000/οικ.60871/16291 OGG B' 3/05-01-2017; Law 3655/2008; Law 4387/2012; PRESIDENTIAL DECREE NO. 8/23-01-2019.

²⁵ According to the Greek Ombudsman, this JMD excludes female lawyers who are "hired with a retainer fee". According to the National Body, "this exclusion however constituted a restriction that was applied to insured female lawyer, who in the past had health benefits that acknowledged this right, regardless of whether they were exclusively self employed. The Greek Ombudsman concluded that this practice violates Article 14, para. 2 of Directive 2010/41/EU and is pending the response from EFKA" (the Greek Ombudsman (2019). "Equal treatment- special report 2018", p. 43 Retrieved from: https://www.synigoros.gr/resources/docs/ee_im_2018_el.pdf).

1.2.3. Maternity allowance for rural women (OGA):

Maternity allowance is granted to both directly and indirectly insured persons. It is a cash benefit set at the amount of € 486.77 for single birth and € 730.16 for twin birth in the 1st insurance class of Main Farmers Insurance Branch (No. 4 of Law 248/1997).

The conditions for granting the allowance are:

- to have an active insurance capacity
- if a third-country national or a citizen of an EU Member-State is concerned, to have the required legal documents to reside in the country.

The required supporting documents to be submitted are:

- birth registration act of the child
- responsible statement that he is not entitled to allowance from another insurer
- photocopy of the first page of the bank account booklet
- Presentation of the necessary documents for legal residence in the country (if a third-country national or a citizen of an EU Member-State).

1.2.4. Granting maternity benefits to women who are insured with the former OAEE who terminated their business activity on the delivery date:²⁶

Commencing in September 2019, further to the decision by the Deputy Labour Minister, who is responsible for Social Security matters, it is anticipated that women who were formerly insured with OAEE and had ceased their professional activity at the date of delivery, would be entitled to receive a maternity allowance from EFKA.

In order for this allowance to be granted, the following prerequisites will need to be observed:

- Insurance contributions will be paid in full and they will be entitled to sickness benefits on the delivery date
- The applicant shall not be entitled to a maternity allowance from another insurance carrier.

If the above prerequisites are observed, the insured party shall be entitled to receive a maternity allowance from EFKA, regardless if she had ceased her business activity prior to the delivery date.

²⁶ Subsection sources: EFKA circular no. 47/Ref. No.: 1130613/25-09-2019; Mitarakis, 2019 September 12; Law 4529/2018.

Important note:

The decision may also be applied to outstanding **OAE** requests by insured parties who had ceased their profession after the enforcement of the provisions of Article 23(5) of Law 4529/2018: this provision provides that self-employed women who cease exercising their profession, according to which they are subject to compulsory insurance with EFKA, are entitled to health benefits for up to one (01) year from terminating their insurance, provided that they do not have any outstanding dues, or have made the necessary arrangements and pay the instalments on time.



2. Practical advice and useful contacts

2.1. My rights were violated. What now?

Discrimination and any kind of violation of rights in the workplace, undoubtedly have a variety of negative direct and indirect consequences:

- reduction or complete loss of income and by extension buying power and the ability to cover basic needs
- Employment in a “toxic”, unhealthy, unfriendly work environment and under adverse conditions
- Uncertain duration without work in case of dismissal or (forced) resignation,
- Appearance of health problems or deterioration of existing problems
- Creation of tensions and friction in the family environment due to the financial and psychological impact
- Creation of permanent insecurity and anxiety that even in the event of a change of work environment, something similar will happen; are just a few examples of these consequences. Especially for working women who are going through a sensitive period in their lives - pregnancy or raising their children immediately after pregnancy - the impacts of the violation of their labour rights become even more pronounced and painful, and in some cases, can even endanger the life of their embryo / child.

Therefore, it is imperative that every working mother or future mother not only knows her rights - which we introduced and familiarised ourselves with in the previous chapter - but also knows that she is not alone and that she can ask for and receive the appropriate support. The pages that follow include basic information about the competent audit bodies and the (free) services of support bodies where every working or unemployed woman can seek help, depending on her request and need. In any event, some basic guidelines and instructions to appropriately respond to a discrimination incident and violation of any labour right include:

Talk to a loved one that you trust about what is happening. It will make you feel better and assess the situation better.

- Do you belong to a professional/trade union or does your industry have such a union? If so, contact them and ask for their support, such as receiving information about your rights, practical advice and possible legal assistance. If the union cannot satisfy your request or need, it may be able to refer you elsewhere.
- You do not need to have money to receive good quality support services. GSEE provides free support services - such as legal and labour advice - to the unemployed and employees at its facilities throughout Greece. You will find detailed information in the following pages.

Do not forget that from time to time, and depending on the programmes that they implement, some non-governmental organisations provide similar services, free of charge.

- Silencing the violation of your rights only benefits the perpetrator and indirectly encourages him/her to repeat his/her act and other employers to imitate him/her. Therefore, the phenomenon will be perpetuated and exaggerated at the expense of all workers and justice will not be restored.

However, if for any reason you do not wish to state your name in the complaint and/or take legal action against your employer, remember that you still have options:

- You can file an anonymous complaint with the Labour Inspectorate (see below)
- You can submit a report to the Greek Ombudsman (see below), which will thoroughly and reliably inform you about all your options and will proceed with actions only if you give your permission.

Lastly, the Greek Ombudsman acts as a mediator, in other words, further to your consent, it will attempt to resolve the dispute with your employer by trying to keep (or reinstate) you to your job.

- If you have decided to proceed with a formal complaint and take legal action against your employer, always keep in mind that it is important to:
 - Act quickly - complaints for various violations of the law must be filed within a specific time period and not at one's leisure
 - Gather all the necessary paperwork that may be useful (contracts with the employer, medical documents, etc.)
 - Take care with what and how you file a complaint, so that the truth is properly recorded.
- You can receive guidance and step-by-step support for all the above by the trade union you belong to and/or the legal counsel of other bodies (see below).

2.2. I work under a private law contract (in the public or private sector) and want to report a violation of my labour rights.

Labour Inspectorate:

- **Responsibilities:**²⁷ The Labour Inspectorate:
 - It is the Labour Ministry's competent audit mechanism for the proper implementation of the labour law aimed at safeguarding labour rights and the workers' health and safety
 - It investigates undeclared work (work without insurance coverage or insurance coverage that does not correspond to the workers' actual working hours)
 - It provides information, counselling, preventive and reconciliation services via its network of regional agencies throughout the Greek territory.

More specifically, the Labour Inspectorate is responsible for:

- Reviewing the complaints and requests submitted by employees
- Imposing administrative penalties (or recourse to Justice for the imposition of criminal sanctions) to those who violate the labour law
- Reconciliatory intervention for dispute resolution with the employer on a personal/individual or collective level
- Audit of the businesses/holdings with respect to their observance of the labour law provisions
- Conducts tests, measurements, sampling and research to ascertain whether the labour law is complied with or not
- Investigates the reasons for fatal and serious work accidents and occupational illnesses.

The Labour Inspectorate inspectors are free to enter all work areas at any time throughout the entire day.

- **Complaint procedure:**²⁸

The 15512 complaints hotline has been set up (operated Monday to Friday, 09:00-15:00).

This hotline is used exclusively for complaints and does not provide information on labour issues.

The complaint can be made anonymously or not, in writing or verbally.

Website: www.sepenet.gr

²⁷ With information from: Labour Inspectorate. "Responsibilities (SEPE)" (n.d.b). Retrieved from: <https://www.sepenet.gr/liferayportal/42/> / The Labour Inspectorate. "The Labour Inspectorate. Upgraded services for all" (n.d.c). Retrieved from: https://www.sepenet.gr/liferayportal/documents/20181/o/SEPE_entypo.pdf/5c6eb528-99ba-441e-9026-fb52d381c8fo

²⁸ With information from: Labour Inspectorate. "Responsibilities (SEPE)" (n.d.b). Retrieved from: <https://www.sepenet.gr/liferayportal/42/> and the Labour Inspectorate. "Communication" (n.d.a). Retrieved from: <https://www.sepenet.gr/liferayportal/el/web/guest/18>

2.3. I would like to receive timely information and support regarding work-related issues from services and agencies of the Ministry of Labour, to join an employment or training programme or apply for benefits.

Manpower Employment Organisation (OAED):

Services for the unemployed.²⁹ OAED organised and provides free consultancy services to the unemployed, such as:

- Activation – Mobilisation Workshops for the Unemployed
- Career Counselling
- Job Search Advice
- Business Initiative Undertaking Advice

The above services are provided by experts and consultants.

In addition, the unemployed that are registered with OAED can also take part in

- Work experience/ internship programmes
- vocational programmes

which are carried out by the Organisation from time to time and are announced on its website and at the local Employment Promotion Centres.

Address (central administration): 8 Ethnikis Antistaseos Avenue, Alimos

Tel.: 11320

Website: www.oaed.gr

E-mail: infoportal@oaed.gr

Directory of the local Employment Promotion Centres (EPC): <http://www.oaed.gr/pou-aneke>

OAED E-services: <http://www.oaed.gr/e-yperesies>

The e-services for the unemployed include:

- Renewal of Unemployment Card
- Submission of Curriculum Vitae
- Job search
- Job search abroad (EURES Network)
- Submission of application for receipt of Allowance - Benefit
- Participation in consulting groups

²⁹ With information from: Manpower Employment Organisation OAED (n.d.b)., "Consultancy Services". Retrieved from: <http://www.oaed.gr/symbouleutikes-yperesies1/> Manpower Employment Organisation OAED (n.d.c)., "The Unemployed". Retrieved from: <http://www.oaed.gr/home/>

- Submission of application for Public Benefit Programmes
- Submission of application for New Job Position Programme
- Submission of application for New Self-Employed Programme
- Submission of application for Training Programme
- Submission of application for Social Benefits
 - Social Tourism Programme
 - Camp Programme
 - Issuance of Book Purchase Vouchers
 - Issuance of Entertainment Vouchers
- Submission of application for receipt of Certificate
- Submission of Objection

The e-services for the employed include:

- Submission of Application for Social Tourism participation
- Submission of Application for Camp participation
- Submission of Application for Book Purchase Vouchers
- Submission of Application for Entertainment Vouchers
- Submission of Application for Maternity Benefits
- Submission of Curriculum Vitae

Department of Gender Equality in the Work/ Directorate of Personal Adjustment³⁰

This is the service of the Ministry that is responsible for the elaboration and promotion of legislative initiatives and regulations, as well as for the uniform and proper implementation of legislation on gender equality at work, the protection of maternity and the harmonization of professional and family life. Its responsibilities include, inter alia, cooperation with the services of the Labor Inspectorate with the provision of information and guidance and co-operation with the Ombudsman’s Equal Treatment Circle.

Finally, information is provided to employers, employees, trade unions and non-governmental organizations on the issues of implementation and interpretation of legislation in the above thematic areas.

Tel.: 213 1516394/ 213 1516392
Fax: 210 5295402/210 5295371

IRIDA E-Government and Citizenship Contact Point³¹

The IRIDA Contact Point has the following responsibilities:

³⁰ According to Article 19 of the PRESIDENTIAL DECREE NO. 134/2017.

³¹ According to Article 19 of the PRESIDENTIAL DECREE NO. 134/2017. With information from: Ministry of Labour, Social Security & Social Solidarity, “IRIDA”. Retrieved from: <https://www.irida.gov.gr/>

- The provision of information to the citizens on matters within the competence of the Ministry in cooperation with the materially responsible services.
- Suggesting and monitoring the implementation of measures to facilitate the communication of citizens with the services of the Ministry.
- The provision of telephone information to the citizens on matters of competence of the Ministry.

More specifically, IRIDA is the central information service of the Ministry of Labour, Social Security and Social Solidarity and its purpose is to provide every citizen with timely and valid information on:

(a) labour relations issues

b) pension issues related to National Agency of Social Security (EFKA)/ Single Supplementary Insurance Fund and Benefits (EIBEF)

(c) social solidarity issues

(d) OAED issues

IRIDA offers information to citizens both by face-to-face at their new offices, 4 Kolokotroni Str. and by phone or e-mail.

Website: www.irida.gov.gr

E-mail: irida@ypakp.gr

Address: 4 Kolokotroni Str., Athens

Tel.: 210-3311676

2.4. I would like to report a discrimination incident at my workplace, in the public or private sector.

The Greek Ombudsman

- **Responsibilities:** The Greek Ombudsman is the national equality body with a mandate to monitor and promote the principle of equal treatment and combat discrimination in Greece (Law 4443/2016).
 - In particular, the Greek Ombudsman is the national equality body with a mandate to monitor and promote the principle of equal treatment and combat discrimination in the private and public sector irrespective of **gender**, race, colour, national or ethnic origin, descent, religion or other beliefs, disability or chronic disease, age, **family** or social **status**, sexual orientation, gender identity or characteristics.
 - This activity sector is competent for handling cases of discrimination pertaining to one of the aforementioned grounds, access to employment, to occupation in general (e.g. working terms and conditions), and the employees' participation rights in both the private, public and wide public sector.
- **Complaint procedure:**³²
 - Interested parties may file a complaint with the Greek Ombudsman in the following manners:
 - Online: Online submission of the discrimination incident to the link: www.synigoros.gr/?i=submission-system.el.upobolianaforas
 - In person: By visiting the offices at 17 Chalkokondyli Street, Athens from Monday to Friday 08:30-14:00 (and Wednesday until 16:30)
 - By post: 17 Chalkokondyli Street, 104 32 Athens
 - Via fax: (+30) 213 1306 800 or (+30) 210 7292 129

ATTENTION:

- The Greek Ombudsman does not proceed with any action before notifying the applicant of all the alternative options and without receiving her consent.
- In addition, the Greek Ombudsman is able to act as the mediator between the employee and employer with the ultimate goal of resolving the dispute and returning the employee to her position or the continuance in her job.

Website: www.synigoros.gr

Address: 17 Chalkokondyli Street, Athens.

Tel.: 213 1306600

³² With information from: The Greek Ombudsman, "Filing a complaint". Retrieved from: <https://www.synigoros.gr/?i=submission-system.el>



2.5. I would like to have access to official information and data concerning my work relationship (or employment, training, or internship):

“ERGANI” database system of the Ministry of Labour, Social Security and Social Solidarity:

Services:³³ Employees as well as beneficiaries, apprentices and trainees now have access to the «ERGANI» Database System, in particular, to records and data of forms submitted after 1/1/2017, which are related to their employment relationship, their occupation, the training program that they are participating in, their apprenticeship or internship, respectively.

Access is gained by entering the Taxis codes to the website: [https://employees.yeka.gr/\(S\(eksw454mmbheqwdm1tiqa3ix\)\)/login.aspx?ReturnUrl=%2f](https://employees.yeka.gr/(S(eksw454mmbheqwdm1tiqa3ix))/login.aspx?ReturnUrl=%2f)

33 With information from: LAW NO. 4611 OGG A 73/17-05-2019 Settlement of amounts due to the Social Security Funds, Tax Administration and 1st degree municipal authorities, Public Sector Pension Regulations and other social security and pension regulations, improvement of the employees' protection and other provisions. Retrieved from: https://www.kodiko.gr/nomologia/document_navigation/517895 / Ministry of Labour, Social Insurance and Social Solidarity Circular ref. no.: οικ.29147/D1.10258/27-06-2019. Redetermination of terms regarding the online submission of forms to the Labour Inspectorate (SEPE) and the Manpower Employment Organisation (OAED). Retrieved from: <https://www.kepea.gr/uplds/file/2019/ERGANI-ERGAZOMENOI-.pdf>

2.6. I want to get free support services like legal counseling, employment counseling etc.

General Confederation of Greek Workers' Labour Institute (INE/GSEE):

Services:³⁴ The INE/GSEE has set up a specialised Information and Consultancy Network to support the employed and unemployed at a national level. The Network provides free Information and Consultancy services and addresses:

- employees in the private sector with respect to employment relations, insurance law and employment policies as well as issues that concern company employees;
- The unemployed, with respect to employment, education and training aimed at their integration/reintegration into the labour market.

INE/GSEE provides its services both to Greek citizens as well as migrants and refugees (**may be provided in the English language**).

In particular, the manners by which they support employees inter alia include:

- Expert information on labour and insurance law (pensions, compensations, unilateral adverse change in employment, etc.).
- Information and consultancy workshops on issues that concern employees (job stress, confrontations and communication in the workplace, etc.). A group of consultants undertakes to run workshops once a specific group of participants has been composed.

The manners by which they support the unemployed include:

- In-person and remote information is provided on education/training issues, subsidised work experience schemes, new job positions, labour rights and professional profiles.
- In-person Professional Consultancy via personalised and/or workshop support which aims at strengthening and empowering the unemployed with respect to planning their professional career, job search techniques, development of professional and social skills.

Addresses:³⁵

- Athens, 71A Emmanuel Benaki Street
- Veria 5 Sotiri Petroula Street
- Heraklion (Crete): 61 Andrea Papandreou and Patriarchou Grigoriou E Streets
- Thessaloniki: 24 Aisopou & Promitheos Streets
- Kozani: 24 Kamvounion Street

³⁴ With information from: GSEE Labour Institute "Information and consultancy services network for workers and the unemployed". Retrieved from: <https://www.inegsee.gr/diktio-ipiresion-pliforosis-simvouleftikis-ergazomenon-anergon/>

³⁵ With information from: GSEE Labour Institute "REGIONS". Retrieved from: <https://www.inegsee.gr/>

- Lamia: Platia Diakou & 3 Achilleos Streets
- Larissa: 4 Tzavella Street
- Xanthi: Georgiou Kondyli & Akrita Streets
- Patras: 20 Kolokotroni Street
- Preveza: Makryoloutsa
- Rhodes: 7 Georgiou Mavrou Street
- Syros: 62 Andrea Karga Street
- Tripolis: 8 Sparti & Evripidou Streets
- Chios: 2 Martyron Street

Tel.:³⁶

- Athens: 210 3327768 (for issues relating to **employees**), 210 3327722 (for issues relating to the **un-employed**)
- Veria: 23310 24424/75673
- Heraklion (Crete): 2810 343616
- Thessaloniki: 2310 385823
- Kozani: 24610 49780
- Lamia: 22310 51777
- Larissa: 2410 537489/90
- Xanthi: 25410 64448/84385
- Patras: 2610 226347/755
- Preveza: 26820 26969
- Rhodes: 22410 70408
- Syros: 22810 81692
- Tripolis: 2710 226146
- Chios: 22710 23550

E-mail (main): inediktio@inegsee.gr / athina@ekpaine.gr

Website (main): www.inegsee.gr

36 Ibid.

General Confederation of Greek Workers' Information Centre for Workers & Unemployed (KEPEA/GSEE).

Services:³⁷ The KEPEA provides personalised information services to **Greek employees and economic migrants and refugees** regarding the implementation of provisions of the labour, insurance and immigration law. In addition, the unemployed are able to submit their curriculum vitae and receive information on employment issues, while employers can search for personnel via a modern online application. It comprises of the following offices:

- The Labour Relations Office and the Insurance Issues Office provide information services to employees with respect to the implementation of the Labour & Insurance Law, respectively. They also suggest ways for claiming their rights; they resolve disputes and intervene when and if deemed necessary.
- Especially for working migrants, the Economic Migrants Office wants to become the Centre that welcomes these people and information will be provided by people that care for them, they consider them to be equal in the Greek work force and have the same rights and obligations as Greek employees.
- In the context of its operation, KEPEA runs a Job Search Office, where the unemployed can submit their curriculum vitae, search for work and receive information about work programmes and training seminars. At the same time, employers are able to search for personnel via accessing the free online database of unemployed persons that the Office has set up on our website.
- The Consultancy Office is addressed to both the unemployed, aimed primarily at assisting and supporting them in their professional development (personalised approach), which includes the search for the appropriate job, as well as broader groups such as the employed or economic migrants who can receive multifaceted guidance and support with respect to labour problems.
- The Legal Service assists the KEPEA/GSEE departments by giving their opinion and providing all the labour and insurance law and case law, so that all the employees are aware of their labour and insurance rights. It contributes in the resolution of disputes, it intervenes with competent bodies when this is deemed appropriate and generally provides legal support at consultancy level with its legal advisers to employees and unions.

Address: 3 Ainianos & 69 Patisision Streets, Athens

Tel.: 210 8202100 / 210 8202174

Website: www.kepea.gr

Online query form: www.kepea.gr/contact.php?ask=120

³⁷ With information from: General Confederation of Greek Workers' Information Centre for Workers & Unemployed KEPEA/GSEE. "GSEE Information Centre for Workers & Unemployed". Retrieved from: <https://www.kepea.gr/article.php?cat=2>

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DIONE

Dismissal & unfavourable treatment of wOmen in the Greek workplace:
Adopting an iNtegrated and systEMic approach of intervention

This manual was created in the context of the “DIONE” project for the main purpose of empowering current and future working mothers by providing basic information and guidelines with respect to their labour rights and addressing incidents of dismissal or discrimination on grounds of pregnancy or maternity. This manual is also a useful tool for professional bodies that offer support (counselling, psychological, legal, ancillary) services to working or dismissed women as well as employers and human resource managers, who wish to enhance their knowledge on this issue.

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