



National Centre
for Social Research

COMBATING DISCRIMINATION in Greece

STATE OF THE ART
CHALLENGES
AND POLICY
INTERVENTIONS



D. Balourdos
A. Mouriki
(eds)



PAPAZISIS PUBLISHERS

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IN GREECE: STATE OF THE ART,
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D. Balourdos, A. Mouriki
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Abbreviations

BE	Business Europe
BSSI	Body to Support Social Integration
CEEP	[European] Centre of Employers and Enterprises providing Public services
CSR	Corporate Social Responsibility
EC	European Commission
EESC	European Economic and Social Committee
ELSTAT	Greek Statistical Authority
ESC/OKE	Economic and Social Council of Greece
ESF	European Social Fund
ETUC	European Trade Union Confederation
EU	European Union
FA	Framework Agreement
FEM	Female Europeans of Medium and small Enterprises
FoA	Framework of Actions
GSEVEE	Hellenic Confederation of Professionals, Craftsmen & Merchants
ILGA	International Lesbian and Gay Association
ITUC	International Trade Union Confederation
JD / JS	Joint Declaration / Joint Statement
JEUNE	European organisation for young craftsmen and young entrepreneurs of SMEs

KEK INE GSEE	Vocational Training Centre of the Labour Institute of the Greek General Confederation of Labour
LGBT	Lesbian, Gay, Bisexual, Transgender
LMO	Labour Market Observatory
NCSR	National Centre for Social Research
NGO	Non Governmental Organisation
OMC	Open Method of Coordination
PERC	Pan-European Regional Council
SEPE	Labour Inspectorate
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UEAPME	European Association of Craft, Small and Medium-Sized Enterprises

Preface

This book makes a significant, comprehensive contribution to the literature regarding the prevalence of discrimination in Greece, the forms of its manifestation, the mechanisms in place for combating discrimination and the prospects for monitoring and eliminating discriminatory practices in the future. Although discrimination issues may not be currently in the foreground of public discussion and concerns, it becomes even more important during this time of economic crisis to address violations of fundamental human rights that pose threats to social cohesion and to the proper functioning of a democratic society. Sensitization to the existence and extent of discriminatory practices and social exclusion, the likelihood of such practices intensifying in the context of the economic crisis, the implications of austerity measures for combating such practices and discussion of effective, innovative social policies to alleviate discrimination are very pertinent issues that should be at the heart of the current scientific and policy discussion. This book sets the framework for this discussion in a very lucid and plausible manner.

One can safely argue that effective mechanisms and policies for “Combating Discrimination”, the title of the book, presume a strong grounding in the theoretical and methodological tools that allow for a thorough description and analysis of the phenomenon. Sound knowledge of the existence, the extent and the types of dis-

crimination which are manifested in a society derives from the systematic collection of data, reliable measurement of the phenomenon and an ability to interpret the data through an appropriate theoretical scheme. To that end, the book raises important theoretical and methodological issues necessary to more fully understand and assess discrimination in Greek society before embarking on a description and analysis of the situation, as reflected in the available data.

The book begins with a presentation of the theoretical approaches to discrimination that help us to conceptually understand the phenomenon as it is manifested in the labour market. The book devotes special attention to the theoretical treatment of gender discrimination. This is important not only to underscore the unequal treatment that continues to be directed against women, but also because gender-based discrimination interacts and intersects with other forms of discrimination based on age, ethnicity, disability and other attributes, exacerbating the impact on women. It is important therefore to investigate not only the separate effect of gender, but also its compounding impact with other characteristics in eliciting discrimination and to consider, in this context, the additional obstacles that women face in the labour market as well as other areas of social life. The gender issues raised in the book sensitize the reader to the intensified vulnerability of women and they alert us to the particular problems that women face as members of multiple disadvantaged groups. In this sense, the book indirectly raises the very important issue of multi-discrimination that arises out of diverse social attributes of individuals and how these attributes are assessed that needs to be addressed in future research.

It is given that an understanding of the phenomenon of discrimination presumes not only proper theorising but also an accurate assessment of the situation based on reliable data. The book discusses

the importance of developing a more appropriate, viable definition of discrimination which will transcend the limited formal definition based on specific selected attributes (and excluding others) used in European directives and, by extension, incorporated into Greek law. Indirectly, the authors raise the issue and the related problems created by a definition that is empirically rather than conceptually based and the need to reassess the empirical referents in such a definition as a society evolves.

The methodological issue of the comparability of secondary data from different sources compounds the definitional problems and the book brings to the fore the need for more targeted systematic social research in Greece that is essential for a sound grasp of social problems and their alleviation. Despite the absence of a data bank with commonly accepted indicators of discriminatory practices, the authors take full advantage of available secondary data from Greek and European sources to draw inferences regarding the existence and type of discrimination encountered in Greek society. In the context of this paucity of direct data and indicators, the indirect measurement of discrimination focusing on the pay gap between members of different population groups carried out through econometric analyses presented in the book, raise for the interested reader important methodological issues at the center of the scientific discussion.

Bringing together these disparate sources of information is an important contribution to the sparse literature on discrimination in Greek society and is bound to provoke thought and promote further study on this highly important topic of research.

As the title of the book implies, special attention is given to the existing mechanisms for promoting equality and combating discrimination. The role of the social partners is investigated through

a combination of data collection methods including questionnaires addressed to relevant organisations, as well as focus groups conducted with appropriate representatives of these organisations in various cities throughout the country. The use of a variety of methodological tools to more adequately reflect existing realities with respect to the activities and effectiveness of these organisations in combating discrimination, significantly enhances the depth and richness of the data collected and the insights that may be gained by the reader from the research results. The discussion focusses on what has been accomplished to date from the point of view of the social partners, the difficulties that are encountered related to a large extent to deficiencies in the legislative framework and the difficulties in its application and the measures that may be implemented to raise awareness with respect to equal treatment and equal opportunities. The detailed accounts of the viewpoints of the social partners raise very interesting issues regarding the adoption of future policies in the on going process in the fight against discrimination. These primary data on the role of the social partners in combating discrimination are supplemented by a thorough account of collective actions that have incorporated the principle of equal opportunities in the field of collective bargaining and negotiations and thereby underline the commitment in employment to the principle of equal treatment, where such commitment exists.

Also included in the book is a detailed and very useful presentation of the European and national institutional framework for alleviating discrimination. The authors illustrate that despite the existence of an institutional framework and considerable advances in the legal protection against discrimination, substantial gaps still remain and adequate implementation has lagged considerably behind. Specific instances of implementation problems provide the reader with very vivid examples of discriminatory practices that

demand immediate attention and policy change. The comparative analysis of the institutional frameworks of four European countries as a frame of reference assist the reader in drawing more reliable conclusions regarding the advances made by Greece in monitoring and combating discrimination.

The section on the institutional framework is supplemented by a detailed overview of good practices identified in Greece and other countries in relation to non-discrimination mainstreaming in the area of policy making, policy implementation and policy review. This constitutes very important information for anyone interested in assessing the development of anti-discrimination policies and the monitoring of non-discrimination in Greece and the possibility of adopting effective policies that have been applied elsewhere. The book underlines that legislation is not enough to combat discrimination and that coordination and cooperation among relevant institutions is a necessary prerequisite in order to monitor anti-discriminatory policies and to raise awareness in the more vulnerable groups of the population who are supposed to benefit from the legislation.

Undoubtedly, this is a very important collective work that aims to expand our knowledge with respect to the phenomenon of discrimination in Greece, to motivate relevant research and to facilitate effective policy making in combating discrimination. It is a very valuable contribution to the literature and a well-coordinated attempt by the authors to present the issue of discrimination in Greece in a comprehensive manner with respect to its description, its interpretation and the consideration of policies and methods toward its alleviation. During this particularly difficult time for Greece where the economic crisis threatens the country's social cohesion, it is imperative to protect and defend peoples' diversity, to encourage their productive and creative potential in an environment that guarantees equality and equal opportunities and the protection from discrimi-

nation. It is with great pleasure that I preface this very important work and I am confident that it will be a valuable source of knowledge for anyone concerned with the problem of discrimination and its ramifications for a democratic society.

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Introduction

This work is been published in the framework of the research programme «*Establishment of an Observatory on Combating Discrimination*» which was implemented by the National Centre for Social Research (EKKE), in collaboration with the Economic and Social Council (OKE), the Labour Institute of the Greek General Confederation of Labour (INE/GSEE) and Efxini Poli-Local Authorities Network for Social, Cultural, Tourist, Environmental and Agricultural Development (NGO). The research programme was funded by the European Union Programme for Employment and Social Solidarity PROGRESS (2007-2013).¹

The book consists of eight sections. The **first section** is divided into 2 parts. The first part provides an overview of the theoretical approaches on the issue of discrimination, focussing on the neo-classical theory and the labour market segmentation theories. The second part examines gender discrimination from the point of view of sociological research and is separated into two sections: a meth-

¹ The programme PROGRESS is implemented by the European Commission and was established to financially support the implementation of the objectives of the European Union in the employment, social affairs and equal opportunities area, and thereby contribute to the achievement of the Europe 2020 Strategy goals in these fields. The seven-year Programme targets all stakeholders who can help shape the development of appropriate and effective employment and social legislation and policies, across the EU-27, EFTA-EEA and EU candidate and pre-candidate countries. For more information see: <http://ec.europa.eu/progress>.

odological one and a substantial one, which derives from the methodological prerequisites and requirements of the investigation.

Section 2 explores the availability and appropriateness of statistical data and information in measuring discrimination. It points out in particular the problem with data shortage and data accuracy on groups discriminated against in Greece. The attitudes of the population towards discrimination suffered by vulnerable groups are also briefly examined. Finally, this section also investigates the role and the effectiveness of the administrative bodies entrusted with the implementation of anti-discrimination policy and the promotion of the Equal Treatment Principle.

Section 3 provides an overview of the institutional framework on combating discrimination and on the principle of equal treatment at the European, international and national levels. At the national level in particular, the legal framework of protection against discrimination through the provisions of Law 3304/2005 is analyzed, the bodies promoting the principle of equal treatment and the recent advances in the field of national policy on combating discrimination are presented, while gaps and overlaps are detected and suggestions for improving the institutional infrastructure are being made. Finally, a comparative analysis of institutional reforms applied in four European countries –each representing a different model of the welfare state - is carried out.

The objective of **Section 4** is to present, analyse and discuss policies and good practices of equality/non-discrimination mainstreaming from across the EU Member States at both the national and the local level. In the first part, the governance of anti-discrimination policies in Greece is examined and the provisions of the two relevant laws criticised; the second part summarizes the main developments on anti-discrimination policies, as well as the main governance issues in the other EU countries- besides Greece.

Section 5 provides some empirical evidence on statistical indicators and econometric models in measuring the progress recorded in combating discrimination and inequalities. The thematic structure of the databases is described and the available sources indicated.

In contrast to inequalities between groups that are relatively easy to document, the documentation of discrimination requires either the collection of specialised data or the indirect appraisal of the extent of discrimination, through the use of special econometric studies, where the (possible) consequences of discrimination are be separated from the effects of other variables which interpret inequalities, and whose role is not considered proof of discrimination. Section 5.3. presents the results of such econometric models based on data from the 2011 Labour Force Survey as a clearly demonstrative first implementation, which indicates the kind of special analyses that need to be regularly performed in the context of the Anti-Discrimination Observatory.

Section 6 focuses on the role of civil society organisations and of informal networks in combating discriminations. Sub-section 6.1. presents a critical evaluation of the current discourse on the role of organized civil society in dealing with discrimination. In contrast to the previous fifteen years, the concept of civil society is, today, treated much more cautiously, by academic discourse, as well as by politicians and domestic or global institutions. This cautious attitude is exacerbated by the fact that there is no real empirical evidence to establish how effective civil society organizations and *especially* NGOs are in reducing or alleviating social inequality. It is argued that, civil society *by itself* has not managed to protect or promote people's basic needs and interests, as it has been constrained both by external factors (such as funding and resources) and by internal ones (such as competition and fragmentation). In the post 2008 period, new and alternative ways

to reconstitute public space, political participation and social life need to be explored.

Sub-section 6.2. deals with the role of the Economic and Social Council (OKE) in combating discrimination and promoting equal opportunities in the field of employment. The first part presents the findings and conclusions of the field work that OKE has carried out in the framework of the research project. The second part puts forward some concrete policy recommendations to better combat discrimination; recommendations inspired, on the one hand, by the social partners' proposals as expressed through the OKE's field work, and, on the other hand, by the Annual Reports, relevant Opinions and other initiatives undertaken by the OKE.

Sub-section 6.3. looks in particular into the role of the European social partners' organisations, of the European Economic and Social Committee and of its Greek counter-part OKE in combating discrimination. The first part of this sub-section deals with collective actions demonstrating equal opportunities as a field of collective bargaining and negotiations. Such actions refer to agreements, between European social partners representing employers on the one hand and employees on the other, as well as all bilateral or multi-lateral joint actions undertaken by employers' and employees' organisations. The second part analyses actions undertaken by social partners in order to raise their members' and other social partners' awareness about the issues related to equal treatment and opportunities. And, finally, the third part focuses on how European social partners have taken actions towards the EU institutions aiming at developing or reviewing current and future legislation as well as taking up particular policy initiatives in the field of anti-discrimination.

Sub-section 6.4. provides an overview of the three focus group

discussions that were held in 3 different Greek cities in view of exploring the issue of discrimination from the perspective of local government agencies, NGOs and public agencies. The participants were all first line, experienced professionals working in the field and cooperating directly with vulnerable groups.

Finally, sections 7 and 8 bring together the main policy suggestions put forward and the conclusions reached in each section.

1. Theories of Discrimination¹

1.1. Introduction

Social discrimination concerns all aspects of an individual's or/ and a social group's life. Discrimination can relate to access to housing, education, healthcare or the labour market. In the present chapter, the analysis focuses on the question why certain workers' position in the labour market is significantly inferior to that of the wider population. This focus does not mean that discrimination in the labour market is necessarily more important than other forms of discrimination, nor does it imply that it is independent of other forms. Indeed, certain economists would maintain that a satisfactory explanation of discrimination in the labour market can only be provided if it is recognized that all forms of discrimination are interrelated. It is however extremely hard to explain why certain groups of workers face unfair treatment in the labour market. Why is it that women and immigrants for example get lower pay and less employment opportunities compared to other groups of workers? As we will see from the analysis below, some workers' characteristics, such as gender, age, ethnicity or nationality are important and ultimately affect their participation, retention and advancement in the labour market.

¹ This section (excluding sub-section I.4.) was written by D. Balourdos, Research Director, Deputy Director, Institute of Social Policy - National Centre for Social Research (EKKE).

Perhaps the most obvious way to approach discrimination is to examine differences in average income, which can result either from disadvantaged groups members' receiving lower pay to do a certain job or because those people end up in low-paid jobs. Another dimension of discrimination might focus on the fact that the unemployment rate is higher for certain groups of workers than for others. This has mainly to do with the observation that disadvantaged groups congregate in jobs with unstable cycles, increased insecurity and lower pay. Other groups might receive unfair treatment regarding their access to certain types of work (e.g., manual work and/or repeated tasks). Hence, given that there are many different ways to measure disadvantages and discrimination in the labour market, the fact that there exist also different forms of discrimination is not a paradox.

In the same line of thinking, theories interpreting discrimination in the labour market are equally divergent. According to S. Dex,² the main theories on discrimination are the neoclassical theory and the institutional or radical theory. Neoclassical theories mainly focus on the labour market supply. Other, non-classical theories, such as the labour market segmentation theory, focus on the limited access that certain groups of workers have to "good" jobs, as well as on the reasons why segregation exists in access to employment.

The most obvious form of discrimination concerns women who receive lower pay than men with similar qualifications and work content. Discrimination may also occur in circumstances where compensation is equal for all workers doing a particular job, irrespective of their actual qualifications.

Discrimination in employment occurs when a person is potentially as productive and effective as those doing a particular profes-

² Dex, S., (1979), "A note on discrimination in employment and its effects on black youths". *Journal of Social Policy*, 8: 357–369.

sion from which that person has been excluded. This particular form of discrimination usually occurs when workers belonging to disadvantaged groups do jobs they are overqualified for (in the sense that they are more productive than other workers doing the same job) or when unemployment rates are higher in a certain population groups (e.g. young people, women or immigrants).

Generally speaking, discrimination regarding wages and employment are examined in a similar way. These forms of discrimination include unequal treatment of equally productive individuals on the basis of characteristics, such as gender, ethnicity, religious beliefs, etc., which have nothing to do with productivity and should thus not affect wages.

Whereas wage and employment discrimination are basic factors examined in economic theory, the fact that other forms of discrimination are significant should not be overlooked (e.g. harassment at the workplace, which could have an extreme impact on a worker's performance and thus on their wage and employment opportunities).

1.2. Basic neoclassical models

From the perspective of the neoclassical approach, the following questions are of primary importance in order to understand the concept of labour market discrimination³. Why do some groups experience less favourable treatment than others in the labour market? Does this different treatment reflect actual differences in productivity, resulting from e.g. differences in education and training? Is treatment of equally productive workers unequal? If discrimination in the labour market does exist, why is it so?

³ Bl. http://openlearn.open.ac.uk/mod/oucontent/view_php?id=399032§ion=5.1.

In general, according to the neoclassical economic theory, discrimination is a cause of labour market failure and a source of injustice in income and wealth distribution. It is usually subject to governmental intervention, e.g. through prescriptive regulations and legislative acts. Discriminatory treatment of a minority for example, leads to lower wages and fewer employment opportunities, including limited opportunities for on-the-job training and promotion. As a result, groups subject to discrimination receive lower pay and are subject to a respective deterioration of their living conditions.

Economic theories mainly study discrimination in the labour market and, almost exclusively, labour market demand. Under this perspective, the theoretical challenge lies in examining why workers receive unequal wages, even though they are equally productive but have different characteristics, such as race, gender, age, religious beliefs or education. Discrimination in the labour market could also take the form of excluding certain individuals from employment due to their social class, their participation (or non-participation for that matter) in workers' unions, their political beliefs etc.

The most prominent neoclassical explanation of discrimination is based on the work of Gary Becker⁴ and develops the idea that some employers do not want to work with or come into contact with members of other racial groups or with women. No explanation is given as to why this prejudice exists, rather it is simply assumed that there is a 'taste' or preference against people from disadvantaged groups and that this taste can be treated in exactly the same way economists would analyse individual preferences regarding goods and services (**'Taste' Model**).

Becker also introduced variants of his model in which customers

⁴ Becker, G., (1957), *The Economics of discrimination*. Chicago: University of Chicago Press; 2nd ed., 1971.

or employees had a taste for discrimination, meaning that they would demand lower prices or higher wages when associating with black employees. Gary Becker described in detail three different types of wage discrimination, stemming from the preferences of employers, workers and consumers (prejudiced or biased discrimination). For example, if the employer has to pay all workers the same wage he/she will simply not employ members of the disadvantaged group. For this reason, he/she will propose a lower wage for them than for those from other groups. As it is stated: “*the firm then faces a trade-off: it can employ members of the disadvantaged group at lower wages and thus increase its profitability, or it can discriminate and employ only workers from the high wage group even though this will mean lower profits. Discrimination in the latter case therefore imposes a cost on the firm*”.⁵ In Becker’s employer-taste-for-discrimination model, employers lose profits by discriminating, even if they gain in utility. Thus, the basic profit-maximizing assumption of the neoclassical model is rejected.

Wage discrimination can also arise when rational, information-seeking decision makers or employers use aggregate group characteristics to evaluate relevant personal characteristics of the individuals with whom they interact. Because group-level statistics, such as group averages, are used as a proxy for the individual variables, individuals belonging to different groups may be treated differently even if they share identical observable characteristics in every other aspect (**statistical discrimination**). Thus, discrimination occurs because employers fail to directly determine the productive potential of individuals and therefore rely on characteristics such as gender, age, ethnicity, etc⁶.

⁵ See: <http://www.saylor.org/site/wp-content/uploads/2011/07/ECON303-8.2.1.pdf>.

⁶ Phelps, Edmund S. (1972). The statistical theory of racism and sexism. *American Economic Review* 62(4), 659-61., Darity, (1975), *ibid*.

It is generally assumed that workers offer their skills and get in return the characteristics of the post they eventually take up. These characteristics are taken for granted, but vary from post to post, field to field and so on. Therefore, the worker chooses the type of employment and the employer, according to his/her preferences. Nevertheless, at the same time employers buy the services and characteristics provided by the workers, supplying the market with the jobs they need.

Under these prerequisites, wages are subject to the following two diverse transactions: one that concerns the work services and the worker's characteristics and another which concerns the characteristics of employment or of a work post. The price the worker pays when choosing a high-demand post (potentially) is removed from his/her salary. The price the employer pays for hiring in demanding posts, could take the form of a bonus that the worker taking up the post knows of.

In its current version, the model of compensatory differences has a great impact on **theories of labour market discrimination**, which examine why workers of equal productivity do not receive equal pay. According to the neoclassical theory, this is equivalent to the fact that, in a competitive market, the same good (labour) does not always come at the same price.

Economic theories of labour market discrimination are almost exclusively concerned with demand. Discrimination is defined as the willingness expressed by the employer to pay a higher salary, in order not to hire workers he/she does not wish to hire⁷. The theory only accepts short-term discrimination cases, because, under competitive conditions, those performing in a non-discriminatory manner will have greater gains, provided they hire workers at a lower (more competitive) price.

⁷ Becker, (1957), *ibid.*

Existing applications, deriving from the theory of compensatory differences, are numerous. For example, public sector employees accept lower wages in exchange for greater employment security. In addition, D. Hamermesh,⁸ found deviations in wages in cases where personal characteristics and employment characteristics positively correlate with the job satisfaction scale.

1.3. Labour market segmentation theories

1.3.1. Basic questions and postulates

At the other end of the spectrum of the neoclassical approach lie the labour market segmentation theories. Their main point of reference is the heterogeneity (segmentation) of the labour market. These theories focus on the following questions: “Is the labour market segmented? If yes, what could we do about this?” They actually maintain that income distribution is illegitimate, when it comes to individuals living under the poverty line, whereas state intervention is deemed necessary.

In opposition to the neoclassical approach, the segmented labour market theories highlight growth and the impact of institutional restraints and determining factors in shaping employment wages. The central hypothesis of such alternative approaches is that segmentation does not derive from the diversity of characteristics and skills, but from the inherent diversity of the structure of the labour market itself, which consists of a primary sector with high salaries and internal labour markets and a secondary one with low wages and enterprises leasing workers from external labour markets. In other words, segmentation stems from breaking the market into

⁸ Hamermesh, D., (1977), Economic aspects of job satisfaction, in *Essays in Labor Market Analysis*, edited by Ashenfelter O. and Oates W., Toronto: John Wiley & Son.

sub-totals, divided on the basis of the different characteristics of jobs, different work ethics and working conditions. Therefore, each sub-market functions for distinctive labour force categories.⁹

Within this perspective, it is generally argued that:

a) The internal labour market doesn't function on the basis of maximizing profit. Institutional parameters probably regulate its function.

b) Workers' unions affect the primary sector, but instead of raising wages and restraining unemployment, they succeed in improving an established status quo, in which already employed workers (insiders) are favoured, unlike occasional workers and the unemployed (outsiders).

c) Wage mechanisms differ between the two sectors, resulting in individuals of comparable characteristics - qualifications getting paid and producing differently, thus leading to their underemployment or employment in different sectors.

d) On-the-job training doesn't function in the secondary labour market.

It should be noted, however, that the labour market segmentation theories do not constitute a well-structured approach. They originated as a critique of the neoclassical theory and they attempt to provide an autonomous, different interpretation of wage differences, drawing from the critique itself. However, the two most representative models in this line of thinking still are the theory of labour competition and the model of the dual labour market, which are presented below.

⁹ Balourdos, Yfantopoulos, (2001): Regional dimensions of income distribution and poverty in Greece. *Social Research Review*, vol. 104-105, p. 155-195.

1.3.2. Models of labour market segmentation

The theory of labour competition intensely criticizes the theory of wage competition and has a number of common elements with the neoclassical theory. It was developed by L. Thurow¹⁰ and L. Thurow and R. Lucas.¹¹ Its fundamental premise is that workers are distributed around employment opportunities in accordance with the labour queue. It is argued that highly preferred workers occupy the best positions, whereas required skills are not present or are not initially taken into consideration, but can be acquired on-the-job.

However, employers' screening devices are based on a series of data, mainly for young workers, such as their discipline, their punctuality etc. Two comparable individuals could have different wages due to the different training they receive. Since training is on-the-job, it is predetermined by the employer and therefore it is not negotiable nor is it redeemable. Under these circumstances, the labour market is not a market of selling services, knowledge, experience and skills, but a market in which the distribution of jobs among stakeholders is regulated.

The theory puts emphasis on the internal labour market, i.e. the market situated within a company, which is governed by a number of rules on which decisions are made regarding recruitment, promotions, training, wages, etc. There assumingly exist hierarchy scales, which may be climbed by the worker if he/she has not breached the rules. People seek to take up a (different) post with a given salary, which is of course non-negotiable. Those outside the internal labour market, are excluded from the internal competition and this is achieved through the establishment of regulations and restrictions.¹²

¹⁰ L. Thurow (1972).

¹¹ L. Thurow and R. Lucas (1972).

¹² Balourdos, D. (1995) Incomes from employment in Greece: Methodological and

The model of labour competition, focusing on labour queue, adequately explains why individuals of similar basic characteristics get different wages, something that the neoclassical theory does not take into account.

On the other hand, based on the *theory of dual labour market*, it is assumed that there is no single market but there is one primary or basic and a secondary market.¹³ The core market consists of jobs in large or profitable businesses. These positions are usually permanent, with good working conditions, they provide favourable prospects for promotion and development and are highly rewarding. When the person enters an enterprise of this sector, he/she starts from positions that are low in the hierarchy, because the higher ones are already covered by promotions of older employees. Salaries are supposedly determined by custom principles, that is, from the job itself and not from the person's productivity. Employment in the primary labour market is subject to regulations of the respective internal labour markets, which are regarded as an autonomous sub-total of the wider labour market.

The secondary labour market is associated with low-paid, unstructured or unstable jobs. The training offered by enterprises to workers is limited, there is no possibility for advancement, there is job insecurity and there are multiple ways to enter the company. In other words, jobs in the secondary market are not governed by rules, while in times of crisis (unemployment) people who are integrated in it get affected first. Under these circumstances, the connection

theoretical complications. TOPOS: *Review of Urban and Regional Studies*, 10/95, p. 43-78, Athens. Balourdos, D. (1997) *Demographic dimensions of income distribution*, EKKE, Athens. Balourdos and Yfantopoulos, (2001), *ibid*. Yfantopoulos, Balourdos, Nikolopoulos, 2009. *Economic and social dimensions of the welfare state*. Gutenberg.

¹³ Doeringer and Piore (1971).

of the two (sub) markets is virtually non-existent, as is mobility between the submarkets.

As it turns out from the above description, the market mechanism fails to treat individuals on equal terms and provides different opportunities and wages, associated with discrimination and pay gaps. As in labour competition theory, the dual labour market approach declassifies and diminishes the importance of the human capital as a determining factor in shaping salaries. The dual approach of the labour market draws many elements from the theory of international trade, where the non-developed countries or colonies suffer exploitation from an imperialist country or economy. It has also borrowed a lot from the uneven development of different sectors of the economy.

Other **radical approaches** criticize the capitalist market-based production mode and the labour force is regarded as a historic process of developing and perpetuating capitalist production relations. The labour market is supposed to be segmented, due to monopoly capitalism: Employers systematically and creatively support segmentation in order to divide and exploit the labour force.

Policy proposals from these alternative theories vary. R. Lucas,¹⁴ for example, limits his approach to the demand side. He proposes wage subsidies and anti-discrimination programmes, believing that policies towards the supply side, for example investment in human capital (education) or assistance to find work, will not have any significant effect on wages.

Similarly, Reich and Gordon,¹⁵ Bowels¹⁶ and Bowels and Gin-

¹⁴ R. Lucas, (1972).

¹⁵ Edwards, Reich and Gordon, *ibid.*

¹⁶ Bowels, (1971).

tis¹⁷ highlight the importance of putting forward demands, of building up the negotiating power of workers themselves and of strengthening social class identity.

1.3.3. Employment wages

Labour market segmentation theory focuses on the systematic wage differentiation between comparable individuals. High salaries in the core market cannot be explained alone by the higher labour quality provided, given that many individuals employed in the secondary market would be capable of providing equal labour quality, should they had been given a real opportunity. The labour market is thus perceived as a basic mechanism of perpetuating economic inequality. The wage structures are differentiated by the employers themselves, rather than by the workers' characteristics. In other words, labour quality is generally higher.

However, an important point to be made is that differences in labour quality are somewhat lower than the respective wage differences and that the direction of causality between pay and quality is reversed. Wage structure is taken for granted, differentiated by employers rather than workers' characteristics. Under such conditions, employers who pay high salaries could choose their future workers from a list, which has been created on the basis of applications or the labour queue, and hire high quality labour. Thus, differences in pay surpass differences in worker's "quality".

Quality and productivity of labour should thus be carefully separated. Productivity is a capacity of labour and depends on the infrastructure available at the workplace and the market of goods that are provided. The productivity of workers in the core market is higher than that of workers in the secondary market, due to the existing

¹⁷ Bowels and Gintis (1973).

posts themselves rather than their personal characteristics. If, however, the same workers were restrained in the secondary market, their productivity would be relatively lower. On the contrary, the quality of workers themselves is defined in terms of personal characteristics, behaviours and prices.

On many occasions, skills existing at the workplace include on-the-job training and are characterized as informal, unlike the more formal framework proposed by the theory of human capital. Acquiring such skills essentially includes learning from older employees and does not constitute a distinct process in the enterprise. It is more a socialization process, which involves acceptance from fellow workers, as well as the internalization of special rules and principles, rather than a formal training program. Certain groups of workers are thus excluded from the best jobs, because they are less socially accepted, not because they lack abilities and skills. Employers may also consider certain special characteristics, such as gender, age and ethnicity, to be linked to rules that characterize either the core or the secondary labour market.

There is a relevant interpretation of employment stability. It is argued that family (e.g. young people and married women) or social roles of many workers in the secondary market could lead to lower inherent labour stability in comparison with workers in the core market. The segmentation approach nonetheless highlights workers' instability rather than jobs' instability. Many workers in secondary jobs, especially married women, might be interested or available for stable employment, but they are denied access. As a result, whereas the influence of supply is unquestionable, it is regarded as less significant than demand, in relation to the influence of social institutions in interpreting different outcomes in the labour market.

1.3.4. Differences in labour wages as a basic factor of discrimination in the labour market

Since the early 1980s, successive changes and reforms in European labour markets have resulted into increasing wage inequalities and discrimination. Some attribute this trend to the weakening of the bargaining power of workers because of increased unemployment, institutional changes promoted by governments and international organizations, as well as to changes in the composition of the workforce (high mean age, higher participation of women, immigrants, etc.). This widening inequality of pay raises concerns about the impact on the lives of workers who find themselves at the lower end of the wage distribution. The wages of an increasing proportion of workers are considerably low, thus affecting their ability to maintain an acceptable standard of living. Some consider that there must be an improvement or establishment of mechanisms to deal with the consequences of excessively low salaries and this is particularly crucial in periods of economic downturn. Other scholars (mainly mainstream economists) often argue that low wages reflect differences in labour productivity. It is also argued that low-paid jobs serve as a useful point of entry to employment for those who have low-skills or minimum work experience.

A study by the Institute of Work in Cyprus,¹⁸ reported that the most common factors that affect low remuneration include:

- the size of the enterprise (which is often related to the presence and power of unions),
- the sector/industry,
- the profession,
- the ownership of the company (public, private, “third” sector),
- marital status,

¹⁸ See source for Table 1.

- sex,
- age,
- educational level and skills of the employee,
- type of contract and the nature of employment.

As mentioned earlier, the incidence of low hourly wages tends to decrease with age and varies depending on gender. With regard to different sectors, low salaries are encountered frequently in the private sector where the workforce consists primarily of women, in local government and household labour (caring for children, the elderly and persons with disabilities, cleaning services, etc.). Low salaries mainly affect women, young people, unskilled workers and craftsmen, skilled people with fixed-term employment contracts, apprentices, newcomers, pensioners, students, divorced or unmarried people and immigrants.

Given the fact that there are many factors that affect wage inequality, the key question is whether disparities between the various groups are important and if there exist comparative data and experience with regard to the discrimination suffered by vulnerable groups of the population.

Table 1 briefly describes the factors/characteristics contributing to low wages.

1.3.5. Critiques of the labour market segmentation theories

The critique of the labour market segmentation theories derives from the neoclassical perspective. Wachter¹⁹ notes that there is indeed scepticism concerning the way the labour market functions, although generally no alternative to the neoclassical approach is being proposed.

He particularly argues that:

¹⁹ Wachter, M., (1974).

1. The core segment of the labour market functions under no criterion of effectiveness. In other words, workers are not paid on the basis of marginal productivity, but on the basis of seniority or other criteria unrelated to profit maximization. However, this market is considered as an effective institutional response on behalf of the enterprises to the main imperfections of the market, which stem from the cost of information, specialization, etc.

2. A strict dual segmentation is not documented by the available data nor is low mobility among submarkets sufficiently defined. In other words, the expected income distribution should also be segmented, whereas, although not sufficiently defined, mobility between the two markets is not limited. On the contrary, Wachter argues that there is segmentation with “imperfect” mobility, which is however due to human capital.

3. Underemployment in the secondary market is actually a myth, not empirically documented, since workers are potentially specialized and have capacities to work in the enterprise, which match the core market but are hindered by discrimination, lack of information and inability on behalf of the enterprises to regulate its structure. In addition, the secondary labour force is “stigmatized” by working in unfavourable jobs, since this stands as a barrier to professional mobility.

4. Workers in the core market are possibly not able to be displaced by workers in the secondary submarket, due to the high cost of OJT (on the job training) and especially because negative elements from previous jobs should be overcome.

5. The observed employment instability, low wages and unemployment periods concerning the secondary US labour market during the 1960s, might be the outcome of the increase of the proportion of individuals aged 16-24 years old (“baby boom” generations) in the labour force.

Table 1: Factors contributing to the formation of low wages

Factor	Possible interpretation
<i>Personal characteristics</i>	
Worker's age	Younger workers have less accumulated working experience.
Educational level	Workers of lower levels of education and training have lower levels of knowledge, skills and productivity.
Previous experience in the same employer	Workers with less previous experience also have less relevant working experience.
Marital status	Marital status could have an impact on the social skills of workers .
Gender and ethnicity	Women and foreign workers might face gender and racial discrimination respectively .
<i>Characteristics of the framework and employment relations</i>	
Overtime and shift jobs	Lack of access to such forms of employment decreases the possibilities of a worker raising his/her wage.
Hierarchical position	Employees who do not supervise other employees do not receive extra bonuses.
Presence and power of workers' unions at the workplace	These factors could influence power relations between workers and employers at the workplace at both individual and collective levels.
The workplace and the relative bargaining level	
Fixed term contracts and seasonal employment	
Enterprise size	
Private sector	
Local government, "third sector", retail and wholesale trade, hotels and restaurants, cleaning services, security services, clothing and footwear, personal services	Jobs in these sectors might be of low productivity..
Part-time employment	Less total income as a result of fewer working hours.

Jobs created by public employment programs through temporary employment agencies, domestic labour	This type of employment might entail lower hourly pay than usual, as well as lower productivity.
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Source: <http://www.inek.org.cy/images/attachments//Wage%20Structure%20Cyprus%20Full%20Version.pdf>

1.4. Gender discrimination in the shadow of sociological research²⁰

The following thoughts on gender discrimination from the point of view of sociological research are separated into two sections: a methodological one, which expresses the reflections of a researcher working on the issue of “gender discrimination” and a substantial one, which derives from the methodological prerequisites and requirements of the investigation.

Conceptual prerequisites and methodological issues

As far as the methodological issues of the present study’s object are concerned, it is useful to make the following points:

In the framework of sociological theory, discrimination is defined as the differential treatment of people belonging to certain social *categories*. The meaning of “*categories*” in sociological research reflects parts of the population, whose essence and composition are defined by the person constructing the concept of category. That is, categories are nothing but technical constructions of scientists and researchers. Through this process, *categories* are being conceptually differentiated, even in contradiction, from *social*

²⁰ This sub-section is written by J. Tsiganou, Research Director, Deputy Director, Institute of Political Sociology – National Centre for Social Research (EKKE).

groups, that is, the existing, real and substantial entities, which are defined by the nature of social relations among social subjects that constitute the social group and which are translated as *categories* by the researcher.

We believe that this conceptual differentiation is of extreme importance in studying gender discrimination and that it should be brought to the attention of the members of the research and academic communities. Michael Mann claims that this conceptual differentiation is significant, mainly because individuals who have been classified or accumulated, under a *category* by a scientist-researcher and are, as a consequence, being treated in a distinct manner, respond by developing an awareness of their differential classification and are, in effect transformed into a social group. Thus, a technical classification might “create” a social position²¹. As a result, an artificial classification system – which in no case is theoretically neutral – reconstructs and reorganizes social positions and social situations of acting social subjects.

Hence, there are two distinct fields of discrimination. Firstly, the *objective substance* of an action and/or a social practice of discrimination, which depends on proving that the social subject of discrimination is experiencing discriminating treatment, because it is assumed to belong to a social group that is subject to discrimination. And secondly, the field of the so-called *statistical discrimination*: a woman job seeker may not be hired by a potential employer, not only because she is a woman, that is due to her biological sex, but also because she is assumed to be more vulnerable to family obligations than a man. The discussion on the relationship between statistical and analytical distributions of social research and the

²¹ See Mann M., (1983), *The Macmillan Student Encyclopedia of Sociology*, Macmillan, London, p. 34, 95.

biological and/or social gender roles is of relevance here. It is a relationship that reflects the relationship between the constructed statistical and analytical categories and the social groups that the former represent.

Expressing these thoughts with a different vocabulary and according to Bourdieu's theory on discrimination²², which in the words of Panayiotopoulos, *could also be read as a sociological critical analysis of "primitive forms of classification"*²³, the social construction of reality has also been extended to the field of human biology. For Bourdieu, *categories* are translated as *classes of actors or, something that under this spectrum ends up at the same conclusion, classes of existential conditions*²⁴, that is, complex, almost meta-classificatory, schemes of categorization. As he argues, *the sociologist's work would be easy, if he didn't need to determine, for every statistical relationship between an "independent variable" and a "dependent variable", how the perception and evaluation of all that is determined by the "dependent variable" vary depending on the classes determined by the "independent variable" or, if you prefer, what is the system of distinct characteristics according to which every class of actors has actually been determined.*²⁵

Indeed, apart from the *discriminative* attributes according to which individuals are being classified, they are gathered under a category that is constructed with the view of a particularly determining spectrum, so that they are always carrying secondary attributes, which are *secretively inserted into the interpreting model*. This means that a certain category, e.g. immigrant women, is not

²² Bourdieu P., (1999), *Distinction: a social critique of the judgment of taste*, Athens: Patakis (in Greek)

²³ Panayiotopoulos, N., 1999, Introduction, in Bourdieu P., op.cit., p.14.

²⁴ Bourdieu P., op.cit., p.147.

²⁵ *ibid.*, p. 145.

solely defined by its position in the relations of production – as could be examined through a series of indicators, such as occupation, income or educational level, a certain sex-ratio, a determined distribution in geographical space – but also through a full range of *supplementary characteristics, which, as a kind of silent demands, may function as actual principles of selection or rejection, without them ever being typically raised, as is the case not only with ethnic membership, but also with gender.* According to Bourdieu, *many official criteria are used as a guise for a number of secret criteria*²⁶.

The actual relationships between a *dependent variable* (such as a political opinion) and various so-called *independent variables*, such as gender, tend to conceal the complete system of relationships, which constitute the *real principle of special power and special form of results that are documented in any particular correlation.* *The most independent of “independent” variables encompasses a complete network of statistical relationships, which are silently present in the relationship with this opinion or that practice*²⁷. Indeed, when analysis is performed variable by variable, as it often happens in preliminary data processing (what is known to all of us as interpretation of simple distributions and crosstabbing with gender), there is always the risk of assigning the results of a range of variables to only one variable. According to Bourdieu, *this is an error that is fostered by the conscious or unconscious tendency to substitute typological alienations related to class with generic alienations, for example those which are related to gender or age*²⁸. I believe that the significance of the relationships of species and genre in constructing investigation tools, could never be put any clearer, even regarding the “gender” variable, which, for the unsus-

²⁶ *ibid.*, p. 149.

²⁷ *ibid.*, p.149.

²⁸ *ibid.*, p. 150-151.

pecting researcher, is the simplest and unquestioned typification of distributions of a given sample population.

Sex distribution and gender discrimination

Following the above mentioned points and under the significant influence of feminist sociology, the up-until-recently descriptive, explanatory and/or analytical sociological research rationale, which referred to gender discrimination with statistical terms, called for immediate intervention. Gender appears at first in empirical sociological research as a basic categorical and/or analytical variable with the biological sense (that is, as “sex”). The comparative presentation of results according to the participant’s gender (male-female) still remains one of the main dimensions in simple distributions of statistical sums of population samples.

Nowadays, after the undisputable introduction and dominance of “social sex” (“gender”) in our country, the use of the term “social gender”, which refers to socially constructed gender differences, versus the term “biological gender”, which refers to biological differences, could prove to be of extreme analytical usefulness in social research, in the same way that it has proved useful in feminist theory and policy, and should be added to our classificatory reflections.

As it has already been argued, through the use of the term “social sex” (“gender”), *the centre of gravity in the analysis has been shifted from defining women as a social category, formed on the basis of biological similarity, to defining gender as a system of social relationships which in turn shapes gendered hierarchies. Following this notion, gender and gendered relationships have emerged as not only determining factors of the everyday lives of women and men as social categories, but also as elements inherent in the formation of cultural models and practices, social institutions, ideological mechanisms etc. In other words, gender, as a system of social relationships, has thus*

*turned into an interpretative variable of social practices at all levels, while shedding at the same time light at the ways in which the content of femininity and masculinity is defined and constructed*²⁹.

According to Judith Butler, the differentiation between biological and social sex, leads to conceptualizing gendered identities as products of *performative acts*. As she writes, *gender is not passively scripted on the body. Neither it is determined by nature, language, the symbolic or even the overwhelming history of patriarchy. Gender is what we put on, invariably, daily and incessantly, with anxiety and pleasure.*³⁰ Gender is acquired and not inherent. Women and men themselves shape social expectations on femininity and masculinity. The mere existence of separate categories of analysis for men and women is, precisely, as the duality of biological sex, a social construct. As it has already been pointed out, *“The duality for the understanding of gender has been imposed by the dominant speech in order to reinforce the existing gender hierarchy and the compulsory heterosexuality as tools of exercising social power. Nowadays, in particular, that technology is able to intervene in biology, this kind of dyadic relationships used for the understanding of social processes and contrasts, have no meaning at all and should be withdrawn in order to allow for the detachment of human behavior from certain physical (social) constructs”*³¹.

The contribution of gender in conceptualising discrimination against women

The concept of gender allows us to draw substantial conclusive

²⁹ Stratigaki, M.,(2007), *Gender in social policy*, Athens: Metaihmio, p. 25 (in Greek)

³⁰ Butler, J., (1988), “Performative acts and gender constitution: an essay in phenomenology and feminist theory”, *Theatre Journal*, 40(4), p. 519-33. (p. 531).

³¹ Stratigaki, op.cit., p. 31 also refers to Butler Judith.

recommendations on discrimination against women. Discrimination is mainly based on the grounds of social sex and not merely on the distinction of biological sex. It is through gender that the social demands of women's rights, such as equality, gender parity and gender mainstreaming in public policy were made possible. Based on this introductory observation and from the perspective of gender mainstreaming, we could briefly make the following points:

The way modern welfare states function, the means and ways the public policy is designed for and is being implemented, have also highlighted *the gender of social policy*, as Stratigaki notes³². The foundations of discrimination are mainly found in the way contemporary states intervene in the labour market and the family.

In countries like Greece, despite the progress made at the institutional level regarding gender equality, the state continues to be “*male dominated*”, the labour market is characterized by extreme occupational gender segregation and family has not, as yet, succeeded in renouncing its patriarchic tone. As a result, any prospect of reforms regarding gender is limited and inflexible. Public social interventions affect the every day life of men and women in different ways, shaping the restraints and possibilities of every individual to organize their family, their personal and work life. *The gendered dimension of policy is evident in every field of the private and public sector it tries to regulate. It significantly affects the way in which people of both genders create families, take care of their children and parents, work and get insured, express their sexuality, intensify or weaken their personal addictions, are subject to violence or prevent it and are integrated in the host societies where they have migrated.*³³

³² Stratigaki, op.cit.

³³ Stratigaki, op. cit., p.215.

We could very briefly state that discrimination against women is evident in the whole spectrum of public policies. In addition, the current economic crisis has intensified the impact of public interventions on gender equality on the one hand and on gendered models and gendered hierarchies of the Greek society, on the other.

It should be noted, as an indicative example, that according to the 2009 European Social Survey, almost half of the Greek public (49%) maintains that “women should be ready to leave their jobs in favour of their families”. The image is similar in other countries of the European South (52% in Portugal and 53% in Spain). In the European North – Britain and Germany share this view, although more moderately (with 38% and 38.9% respectively). The average European Rate shows that almost half of the Europeans seem to agree with the above statement. The Greek public also seems to align with the view that under conditions of scarcity of resources, *men go to work and women stay at home*, scoring two times the European average, showing a great distance from other European countries, both Southern and Northern. The intolerance towards people of different race and ethnicity seems to direct itself against working women as well. Forms of discrimination bring into surface a trend of *returning to the roots*. The stereotypes of the *hunter (man)* versus the *nurturer (woman)*, are revived and being reinforced to a greater degree in Greece than in other European countries.³⁴

Examining both obvious and latent discrimination on the grounds of gender and in every policy field, we also observe the following:

A number of analyses highlight the central role that the family plays in forming children’s gendered identities and everyday power relations between men and women. “Opportunities” provided by

³⁴ Tsiganou, I., (2009), “Presentation of the 4th wave results from the European Social Survey”. Athens, June 15 (in Greek).

the existing legal equality of spouses are limited by their fragmentary nature and the difficulties in their application. Thus, the traditional pattern of spousal family resists, still encouraging male prevalence and risks of personal addictions, social isolation and violence against women.

The distribution of care and household labour remains particularly unequal at the expense of women, in spite of their steadily increasing presence in the labour market. Measures of “reconciliation” and the existing social infrastructure of care are not enough to balance the burden of the accumulation of multiple work duties by women.³⁵

The way the labour market is structured and operates preserves and reinforces gendered inequalities. Employment patterns for men and women differ significantly as far as their basic characteristics are concerned: remuneration, occupations, working hours, length of employment, job opportunities. This phenomenon results in discrimination in social insurance, especially in Greece, where it directly depends on the form and quality of employment.³⁶ Wom-

³⁵ Stratigaki, *op. cit.* p. 215.

³⁶ See report by D. Karantinos & S. Christofilopoulou titled, “Combating discrimination: a preliminary investigation”, which is based on the two National Reports compiled within the framework of the Network of Socio-Economic Experts in the Anti-Discrimination field (SEN Network) in 2009. Also, D. Karantinos & A. Manoudi, “Country Report 2 2010, on employment, ethnicity and migrants”, Greece, 2010. Also, M. Thanopoulou & I. Tsiganou, The Greek National Report on “Active ageing and gender equality policies: The employment and social inclusion of women and men of late working and early retirement age”, Network of Experts in Gender Equality, Social Inclusion, Health and long-term care, 2010, as well as the final report of the Experts’ Network EGGSI (Coordinating team, Marcella Corsi, Manuela Samek Lodovici, in collaboration with Fabrizio Botti and Carlo D’Ippoliti, Network of Experts in Gender Equality, Social Inclusion, Health and long-term care), on “Active ageing and gender equality policies: The employment and social inclusion of women and men of late working and early retirement age”, EC, 2010.

en constitute the majority of people living under the poverty line, despite measures promoting equality and policies of positive discrimination. Migrant women, in particular, are even more disadvantaged.

Having limited political, economic and social rights and living under extreme hierarchical gender relations, immigrant women mostly work in the services' sector (mainly in household labour), remain in oblivion and are thus offered no social protection. They live as second-class citizens, as far as public policies are concerned, in a state of accumulated discrimination, exposed to gendered power relations at the workplace.³⁷

Postscript

Gender discrimination is nowadays formally *prohibited*. Many of its most apparent manifestations are prosecuted and penalized. A number of human rights have been recognized and are protected. However, as the economic crisis deepens, the dark cycle of violence against women still resists and escalates.

Instead of an epilogue, I would like to add a testimony regarding the utter act of violence, crimes of jealousy, honour or passion against women. This kind of murders does not belong to the past. On the contrary, they persist powerfully, bringing into surface the well-established “proprietary” mentality of men when it comes to sexuality and women’s reproductive nature, which is deeply rooted in the long history of patriarchy, where the owner had the right to

Also, Synthesis Report, 2011, on “The socio-economic impact of pension systems on the respective situations of women and men and the effects of recent trends in pension reforms”, financed by and prepared for the use of the European Commission, Directorate-General Justice in the framework of a contract managed by the Istituto per la Ricerca Sociale and Fondazione Giacomo Brodolini.

³⁷ Stratigaki, op. cit., p. 218.

enjoy the benefits of his spousal “property”, a human property with no personal, social or political rights.³⁸

*“On February 2nd 1984, the defendant, after realizing that A.X. (the victim), with whom he was until then living, had decided to leave him and had left their home, went to her father’s house, took a hunting rifle, filled it and forced M.P. who was in the house to lead him to the grill house of D.B., where A.X. had gone with her father and uncle. ... There, after spotting where they were seating, he aimed and shot against them, screaming “I’ll eat you alive”.*³⁹

The symbolisms are clear and open to examination, contemplation and discussion.

³⁸ Papaioannou, P., (2001), *Jealousy crimes*, Athens: Nomiki Vivliothiki, p. 56 (in Greek).

³⁹ See the Supreme Court Decision 485/1985, *Criminal Chronicles*, 25’ (1985), p. 802-3, as cited also by Papaioannou, *op.cit.*, p. 59 (in Greek).

2. Conceptual definitions and methodological approaches of discrimination⁴⁰

2.1. Measurement of discriminations

Community Anti- Discrimination Directives 2000/43/EC (Racial Equality Directive) and 2000/78/EC(Employment Equality Directive) were incorporated into the Greek legislative framework through Law no 3304 of 2005 which foresees protection against discrimination on the grounds of racial or ethnic origin, religious or other beliefs, disability, age and sexual orientation.

In this context, the groups identified by the Greek Law as discriminated against are *immigrants, disabled people, the young and the elderly, religious minorities, lesbian, gay, bisexual and transgender (LGBT) persons and Roma*. However, other groups that face discrimination also exist, such as asylum seekers, persons recently discharged from prison, as well as former drug addicts and lone parent families, pointing to the need for an extension of both Community and National legal frameworks.

The most prominent issue concerning research on groups dis-

⁴⁰ This text summarises the main points of the two National Reports elaborated during the first year (2009) of the National Centre's for Social Research (EKKE) participation in the Network of Socio-Economic Experts in the Anti-Discrimination field (SEN Network). The section was written by D. Karantinos and S. Christofilopoulou.

criminated against in Greece is that of data shortage and data accuracy. The problem is especially acute regarding religious minorities, LGBT persons, disabled people and the actual number of undocumented immigrants. What is more, the adverse situation is intensified by a generalised lack of applied social research in the country.

In this framework, the main sources of data collection and information are the European Labour Survey (LFS) and the EU-SILC survey. A limited amount of information can be derived from the Housing and Population Census, which nevertheless is conducted by the Greek Statistical Authority (EL.STAT - previously ESYE) once every 10 years. However, data from these sources suffer from a number of drawbacks, the most important of which is that these surveys are not designed to provide information on discrimination and hence, whatever information becomes available in this context is only a “by- product” of the general data. In addition, the EU-SILC survey is based on a relatively small sample. This inevitably causes some uncertainty over whether or not some of the results are representative of the actual population.

Statistical information collected for administrative purposes is probably even more problematic. There is a plethora of social security funds and welfare organisations in Greece, and each of these institutions operates under different organisational rules and procedures. This practically means that whatever data are collected, they are bound to be heterogeneous. Furthermore, some of these organisations and especially the smaller ones, collect only the most elementary of information on their clients, while they tend to publish results with considerable time delay.

Summing up, available information on groups discriminated against in Greece is inadequate, comes from a variety of sources and is far from homogeneous with respect to definitions and data

collection methods. What is worse, no attempt has so far been made to evaluate, monitor and improve the existing data and data collection methods.

The apparent lack of data on people discriminated against or at risk of discrimination in Greece has been acknowledged by a recent compilation of sources of statistical information in the EU member states.⁴¹

Nevertheless, besides data collection, conclusions regarding the situation of groups discriminated against can be reached by examining the Greek society through surveys on views, perceptions and personal experiences on discrimination, such as the Eurobarometer surveys. According to these findings,⁴² Greece shows much higher figures than EU average on perceived discrimination and on support for anti-discrimination legislation. On the other hand, Greece demonstrates the lowest figures on personal experience of discrimination and lower than EU average on witnessed discrimination. However, this does not imply that discriminative behaviour does not exist, but rather that population groups discriminated against are afraid to report it. In fact, the EU MIDIS (European Union Minorities and Discrimination) Survey Reports of 2009 revealed that the groups at risk of discrimination in Greece, and especially the Roma, do not report discriminative behaviour⁴³.

⁴¹ European Commission (DG EMPL), How to measure progress in combating discrimination and promoting equality? Tables by country. Available at: <http://ec.europa.eu/social/main.jsp?catId=618&langId=en&moreDocuments=yes>

⁴² Flash Eurobarometer 232, February 2008, Flash Eurobarometer 296, July 2008

⁴³ The EU MIDIS Survey of 2009 on Roma revealed that 90% of Greek Roma did not report discriminative behaviour in the past year which is the second highest figure after Bulgaria (92%).

2.2. Determination of population groups suffering discrimination

Based on available data and surveys, the situation of the population groups threatened by discrimination or being discriminated against is summarised below.

Immigrants: According to official data⁴⁴ approximately 800.000 people of foreign nationality live in Greece, a figure that constitutes around 7, 3% of the country's population. The National Census of 2011, currently conducted, is expected to present updated figures on the number of documented migrants in Greece. However, if we add undocumented migration to the above percentage, the actual number escalates to 10%⁴⁵. Discrimination against foreign labour is obvious in the informal and secondary labour market. Wages and employment conditions are worse in the informal sector, where no employment rights are recognised. Foreign workers are rarely insured. The majority of the immigrant labour force comprises of unskilled or semi-skilled manual workers, occupied in the primary sector, in construction, in the tourist sector, in small trade and in specific manufacturing activities (textiles, furniture, food and beverages). A sizeable part of the immigrant labour force is employed by private households. In general, migrant workers exhibit higher employment rates than natives and often, lower unemployment rates.⁴⁶ This however might reflect necessity rather than choice and

⁴⁴ National Census, 2001

⁴⁵ According to a study of the Institute of Migration Policy, the number of undocumented immigrants is estimated between 172.250 and 209.402. To the above figure, one must add the large numbers of Greek repatriates who were born abroad and are not included in immigration figures.

⁴⁶ Unemployment rates for EU and non-EU nationals respectively : 3% & 10,9% and 4,1% & 14,1% for men and women respectively (All data from National Strategy Report on Social Protection and Social Inclusion 2008-2010, Statistical Annex)

may be the explanation behind the high risk of in-work poverty that this group demonstrates.⁴⁷

Disabled persons: In discussing the problems faced by disabled persons, one major difficulty is a lack of any sound knowledge of how many they are, who they are, how they cope with their disabilities and what services they make use of. This information is undoubtedly a major prerequisite for any efficient system of social protection. According to the Labour Force Survey data, which constitute an alternative tool for estimating disability figures in Greece, 18, 2% of the population reported having some kind of disability or chronic illness.⁴⁸ Half of these people were over 65 years of age. Moreover, the scant information available indicates that disabled persons face severe problems in two policy areas: employment and training/education. Their employment rates are low, at least in comparison with the European norm, and most of those employed are in sheltered employment jobs, benefiting from various governmental programmes (including a quota-levy system of employment in the public sector). In comparison to other high risk groups in the labour market, open unemployment rates among the disabled are relatively low. This however might be a statistical artefact, given the exceptionally high inactivity rates of this population group (84%). Training for disabled persons is still constrained by the lack of the necessary infrastructure at the scale needed to cope with the problem effectively.

General population unemployment rates: 5,2% (male) 12,8% (female) [Data from Employment in Europe, 2008]

⁴⁷ In work at-risk- of- poverty rate is 13% for Greeks born in Greece, 19% for those born abroad (in general), 21% for those born abroad with foreign nationality and 20% for those with foreign nationality. (Data from National Strategy Report on Social Protection and Social Inclusion 2008-2010, Statistical Annex)

⁴⁸ National Confederation for Disabled People, 2008

The elderly and the young: Young people are primarily discriminated against in the labour market and in conditions of employment and pay. Over the last two decades, they have been experiencing low employment rates by both European and national standards. Unemployment rates on the other hand are high and fluctuate at levels far above adult unemployment rates. In addition, young women face much greater unemployment risks than young men.⁴⁹ In effect, transition from school to work takes longer in Greece in relation to most other EU member states. Young people often have to wait for long periods of time before they can secure a job and often they work in jobs other than those for which they were trained (temporary, part-time and dead end jobs). Quite often also they receive wages below the national minimum set by collective agreements and agree to work without social security. This situation has certain implications. Young people often cannot afford to set up their own household, being forced to stay in their parents' home until well into maturity. Marriage decisions are inevitably delayed and so is the decision to have children, something that has demographic implications as well.

Prejudice and discrimination against the elderly is primarily manifested in terms of economic position. The elderly are disproportionately concentrated in the low income groups. Around half of the older workers work in agriculture, either as self employed or as unpaid family workers. These people tend to work until they reach a very old age, because they lack a credible income option. Of the remaining older people still in employment, a sizeable part

⁴⁹ The youth unemployment rate is 22, 9%, compared to 8, 3% for the general population, while the employment rate barely reaches 24%, (61, 4% for the general population). The unemployment rate for young girls escalates to 32,1% while the employment rates for young and older female workers shrink to 18,7% and 26,9 respectively [All data from Employment in Europe, 2008]

works in traditional and declining sectors (e.g., traditional manufacturing), as manual workers and technicians in physically demanding jobs. Older workers rarely face unemployment. Once unemployed however, they find it extremely difficult to re-enter employment. Poverty rates among pensioners on the other hand are quite high⁵⁰. This is due to the fact that the great bulk of pensioners receive the minimum pension, which is quite inadequate.

Religious Minorities: There is a large Muslim community concentrated in Thrace (North-East Greece) with more than 100.000 members.⁵¹ Another large religious group is the Catholic Community with 50.000 members, around 0, 5% of the population.⁵² There are also Jews and atheists however, since no survey has ever been conducted regarding religious minorities in Greece, it is very difficult to specify their actual number. Even though there are no data on people of religion or belief other than the prevailing Christian Orthodox, people from this population category coincide, to a large extent, with the statistical category of immigrants since the Greek society is, to a large extent, religiously homogenous- at least in papers.

LGBT Persons: The reasons for the absence of data on LGBT persons are twofold. Firstly, data as such are considered ‘personal’ and are protected by the Hellenic Data Protection Authority. Secondly, the majority of these people are afraid of revealing their sexual orientation, especially in employment, since the attitude of Greek society against homosexuality is quite hostile⁵³. Finally, it

⁵⁰ 20% compared to 14% for employees (Survey on Household Income and Living Conditions 2008, Greek Statistical Authority, March 2010)

⁵¹ Data from the Ministry of Foreign Affairs www.mfa.gr

⁵² Data from the Catholic Ecclesia of Greece <http://www.cathecclesia.gr/hellas/>

⁵³ Surveys show that the Greeks hold negative attitudes regarding adoption of rights for homosexual people and especially regarding partnership rights for same-sex couples. Regarding employment in particular, 1 out of 4 employers are reluctant to call

should be mentioned that LGBT persons face an additional form of discrimination since ‘there is no legal recognition of same-sex partnerships and no right to adoption, family benefits, welfare, health, housing, social security or inheritance’.⁵⁴

Roma: Greece was one of the main passages of the Roma population through Europe and so the first Roma groups settled down in the island of Crete around 1323. It is very difficult to present an accurate number of the Roma population in Greece for a number of reasons: a) their way of life which is mostly nomadic, b) the above described general lack of reliable data for groups at-risk of discrimination and c) the failure to separate the Roma from the rest of the country’s population after their naturalisation as Greek citizens. According to available data, the Roma population is estimated around 150.000 to 200.000. The Roma, besides facing discriminatory behaviour from the rest of the population, suffer from awful living conditions and 77% of them have incomes below the poverty line.⁵⁵

Furthermore, only 40% of the Roma population has a bread-winning job, though not really sustainable. The remaining 60% are unemployed, retirees, or in household employment. Besides from poverty, their labour market exclusion drives them to illegal actions and more particularly to drug trafficking. As a result, the Roma suffer from extremely poor health conditions and hostile relations with both the authorities and the rest of the population.

candidates for job interviews if they know or presume they are gay. The rate is even higher -1 out of 3- for male employers. (COWI, The Danish Institute for Human Rights (2009), “The social situation concerning homophobia and discrimination in the grounds of sexual orientation in Greece”, March 2009)

⁵⁴ Op. cit.

⁵⁵ National Commission for Human Rights, “The situation of Roma in Greece”, 2001, p. 15

Finally, it should be added that there is no discussion in Greece on persons being discriminated on multiple grounds. This apparent lack of interest in the subject is somewhat surprising, given that academic and political discussions on social policy issues in the country are almost always inspired and driven by the EU social priorities and agenda.

In this respect, there is an urgent need for data collection and research on discrimination, in order to serve as an analytical tool on policy design and formulation, together with information campaigns targeting the general population and demonstrating the benefits of a diverse society.

In general one can claim that, the attitude of the Greek society towards the above groups is indicative of the society's overall attitude towards 'difference' and diversity. To a great extent, the society continues to be a traditional one where the Church of Greece exercises great influence. Indicative of the society's attitude against diversity is the lack of a Mosque and of a Muslim cemetery in Athens, which has been a long demand of the Muslim community but remains unsolved. Another example was the adoption of the "Agreement of Cohabitation Pact" in 2008 which foresaw tax and other provisions for couples that did not wish to marry, but excluded same sex couples from its field of application. Furthermore, the accommodation of diversity regarding disability stills remains an issue. Built environment and infrastructures are the most crucial sectors –apart from education- in order to accommodate the rights of disabled people into society. During the last decade, great progress has been accomplished in terms of accessibility of public venues and transportation, largely due to the Paralympic Games of 2004. Still, a cultural shift is needed in the way Greek society views disability. A walk in the Athens city centre, where often cars and motorcycles are parked in wheelchair ramps, proves the above claim.

Finally, until lately, a narrow definition of citizenship based on *jus sanguinis*, excluded second generation immigrants from acquiring Greek citizenship. This long discussed issue was only solved recently (February 2010) through the adoption of Law 3838/2010 which, under certain circumstances, grants citizenship to second generation immigrants. Together with Law 3304/2005, Law 3838/2010 constitutes a milestone in anti-discrimination legislation, since it resolves an issue long demanded by immigrants, NGOs and civil society organisations.⁵⁶ Moreover, Law 3838 covered the “nationality” gap, since discrimination on the ground of nationality does not fall under the provisions of neither anti-discrimination Directives, nor Law 3304/2005. The main provisions of the Law on Nationality were: a) the attribution of Greek nationality to children that have been born in Greece and their parents have been legally living in the country the past five years, b) the attribution of Greek nationality to children that have *not* been born in Greece, but have attended the first three grades of elementary school or a total of six grades of typical education, c) the restriction of the time period needed to acquire Greek citizenship for the parents of these children, from ten to five years. Finally, Law 3838 goes one step further and grants the right to vote in municipal elections for documented immigrants and Greeks born and living in foreign countries.

⁵⁶ Some examples are: http://www.kounia.org/index.php?option=com_content&task=view&id=76&Itemid=3 where the campaign “No to racism from baby’s cot” is presented. By following this link you can also learn more about the symbolic gesture of the Mayor of Kaisariani (East Athens) on May 23rd 2009, when he registered a 17 month old baby, daughter of an immigrant from Africa, in the municipal records. Note that immigrants’ children have no right to registration, since they hold no Greek citizenship. <http://secondgeneration07.blogspot.com/> The blogspot of second generation immigrants claiming equal rights regarding citizenship status (texts available only in Greek) <http://www.hlhr.gr/index-el.htm>, website of the “Hellenic League for Human Rights”. In January 2009 the League launched a campaign titled “You can be born and become a Greek” aiming at the revision of the Greek citizenship code to become more inclusive towards immigrants.

However, the Greek Government faced great opposition when drafting and passing the Law through Parliament. Both the major opposition party and the extreme- right parliamentary party contested to its adoption, while the former pledged to abolish the Law once in power. What is more, a recent ruling of the Council of State judged the right of documented immigrants to vote in municipal elections as conflicting to the Greek Constitution and referred the issue to the plenary session for the final ruling. According to the Economic and Social Committee this decision points out the Greek citizens' lack of awareness and knowledge on issues as such which leads to xenophobic behaviour.⁵⁷ Violent actions have increased,⁵⁸ especially in Athens, and fears are expressed that, unless actual social inclusion policies are implemented, problems of rioting could eventually arise. These fears are intensified by the current economic and debt crisis which has hit Greece and does not aid the assimilation of multiculturalism ideals.

⁵⁷ Economic and Social Committee of Greece, "Implementation of the equal treatment principle regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation (Report of 2009)", Opinion no 247 4th February 2011) p. 24

⁵⁸ According to the EU MIDIS 2009 Report the Greek Roma were among the ten groups with the highest racist crime victimisation rates in five crime areas. http://fra.europa.eu/fraWebsite/attachments/EU-MIDIS_GLANCE_EN.pdf

Since 2007, the Gay World Forum is making an effort to record violent actions against LGBT persons in its website <http://forum.gayworld.gr/index.php?PHPSESSID=72b2bbfac81039d28f4438319575bb39&board=97.0> (in Greek only)

Moreover, violent actions from extreme right groups against LGBT persons have been reported in the 2008 Athens Pride Festival http://www.gayworld.gr/index.php?option=com_content&task=view&id=1460&Itemid=40 (in Greek only).

3. The Institutional framework for combating discrimination ⁵⁹

3.1. Introduction

The aim of this chapter is to present the institutional framework on combating discrimination and on the principle of equal treatment at the European, international and national levels and to comparatively evaluate the institutional reforms implemented in Greece and other European countries in the area of discrimination.

As far as the European level is concerned, the EU legislation on discrimination is analyzed in both primary and secondary law. A special note is given to the Board Directives, 2000/43/EC (racial equality) and 2000/78/EC (equal treatment in employment) and their main provisions are briefly presented. Furthermore, the institutional bodies of the EU are presented in summary, as well as their involvement in combating discrimination.

At the international level, we highlight the institutional framework of both the Council of Europe and the United Nations as far as protection against discrimination is concerned. The case law of the European Court of Human Rights, which operates in the con-

⁵⁹ The present chapter was written by Nikos Sarris, researcher at the Institute of Political Sociology (National Centre for Social Research). For full text, see <http://www.gsdb.gr/ocd/>

text of the Council of Europe and supervises the implementation of the European Convention for the Protection of Human Rights, is of extreme interest. This Court operates in parallel with the Court of Justice of the European Union and examines cases that do not fall within the scope of application of the Directives. These two courts have developed a dynamic dialogue and affect each other.

At the national level, the legal framework of protection against discrimination through the provisions of Law 3304/2005 is analyzed, the bodies promoting the principle of equal treatment and the recent advances in the field of national policy on combating discrimination are presented, while gaps and overlaps are detected and suggestions for improving the institutional infrastructure are being made.

Finally, a comparative analysis of institutional reforms applied in four other European countries is conducted. The countries were selected on the basis of the models of welfare state, as presented by Esping – Andersen, with mainly institutional criteria. The United Kingdom is selected to represent the liberal Anglo-Saxon model and Germany as a classic example of the central European state corporatism. Spain was selected in order to highlight any differences in comparison with countries of the European South and Sweden as a genuine representative of the social-democratic – Scandinavian model.

3.2. The European and international institutional framework of protection against discrimination

3.2.1. The European institutional framework of protection

The European Union has enacted rules of law in both primary and secondary Law, rules that are targeted at combating discrimina-

tion. The institutional bodies of the European Union in the area of combating discrimination and promoting equality are the European Parliament, the Council of the European Union, the European Committee, the Court of Justice of the European Union and the European Union Agency for Fundamental Rights (FRA). More specifically, there are different parliamentary committees in the European Parliament, whose purpose is dealing with discrimination issues. For example, the Committee for Employment and Social Affairs, the Committee for Women's Rights and Gender Equality, the Committee for Foreign Affairs and the Committee for Political Freedoms, Justice and Internal Affairs.

3.2.2. The international institutional framework of protection

Fundamental rights and the principle of equality and equal treatment are also protected beyond the European Union, at the international level. The role of the Council of Europe and the United Nations is of extreme importance in this field. The bodies of the Council of Europe that deal with the protection of human rights and the rights of minorities are: a) the European Court of Human Rights, b) the Commissioner for Human Rights, c) the European Committee of Social Rights, d) the Advisory Committee for the Protection of Ethnic Minorities and e) the European Committee against Racism and Intolerance.

The United Nations have developed a complete system for the protection of human rights, which includes: a) the International Covenant on Civil and Political Rights (ICCPR), the imposition of which is monitored by the Human Rights Commission (HRC), b) the International Covenant on Economic, Social and Cultural Rights (ICESCR), the imposition of which is monitored by the Committee on the Economic Social and Cultural Rights, c) the International Convention on the Elimination of All Forms of Racial Discrimi-

nation (ICERD), the implementation of which is monitored by the Committee on the Elimination of Racial Discrimination (CERD), d) the Convention on the Elimination of All Forms of Discrimination Against Women, the implementation of which is monitored by the Committee on the Elimination of Discrimination Against Women (CEDAW), e) the Convention on the Rights of the Child, monitored by the Committee on the Rights of the Child (CRC) and f) the Convention of the Rights of Persons with Disabilities, monitored by the Committee on the Rights of Persons with Disabilities (CRPD).⁶⁰

3.2.3. EU Directives on combating discrimination

The *Directives on racial and ethnic equality* (2000/43/EC) and *employment equality* (2000/78/EC) serve a double purpose: a) the formation of a framework for combating discrimination on the grounds of racial or ethnic origin, disability, religion or belief, age or sexual orientation in the EU member states and b) the establishment of bodies and mechanisms in the EU States in order to monitor the implementation of the legislation discussed and to promote and encourage equal treatment.

Both directives on combating discrimination prohibit both direct and indirect discrimination on the grounds of racial or ethnic origin, disability, religious or other convictions, age or sexual orientation. **Direct** discrimination occurs when a person is subject to less favourable treatment than someone else. It should be noted however that the directives include certain exceptions when it comes to age. **Indirect** discrimination occurs when a seemingly neutral conviction or practice may place a person in a disadvantaged position, unless this particular conviction or practice is objectively justified.

⁶⁰ Human European Consultancy-Migration Policy Group, 2011, *Awareness-raising seminars in the fields of non-discrimination and equality for organization of the civil society*, p. 25)

The Directives also provide that **harassment** is a form of discrimination, that a **command for discriminatory treatment** is prohibited and include **retaliation** in the list of prohibited actions.

It should be noted that article 3 of the Directive 2000/43/EC provides a broader protection against discrimination compared to Directive 2000/78/EC, which stands only in the field of employment.⁶¹

The Directives prohibit discrimination from individuals and legal persons in both the public and private sectors, protecting every person residing in a member state, regardless of their nationality, against discrimination on any grounds. There are however exceptions, since they expressly report that they do not cover discrimination due to ethnicity when it comes to monitoring immigration. They also allow measures to be taken in order to prevent or counterbalance deficits that are related to any of the protected grounds.⁶² Directive 2000/78/EC provides that employers take appropriate measures for people with disabilities, as far as these measures do not constitute a disproportionate burden for the employer. Finally, the Directives allow discrimination only in certain limited cases and only if certain conditions are met.

Victims of discriminatory treatment should be ensured access to judicial and/or administrative procedures for the realization of obligations provided by the Directives⁶³. Moreover, when incorporating the Directives, member states should ensure there are penalties in case violation of their national legislation against discrimination occurs and that these penalties are implemented. They are also compelled to take actions in order to raise awareness and promote

⁶¹ *ibid*, p. 30.

⁶² Affirmative action, article 5 2000/43/EC, article 7 2000/78/EC.

⁶³ Article 7, 2000/43/EC, article 9 2000/78/EC

broad understanding and incorporation of the principle of equal treatment in civil society, but also to engage NGOs and social partners in the process of achieving the ultimate goal of tackling discrimination.

The Directive on racial equality (article 13) requires that all member states appoint certain body or bodies as specialized bodies for the promotion of the principle of equal treatment as far as racial or ethnic origin is concerned.

3.3. The national institutional framework of anti-discrimination

3.3.1. Constitutional protection

The Greek Constitution includes a range of provisions that aim at combating discrimination and promoting equality, most of which are found at the second part “personal and social rights”, while others are part of the non-revisable provisions. These constitutional principles and rights cover all vulnerable groups included in Directives 2000/43 and 2000/78 and offer certain protection to individuals, in case there are no other provisions of national law. However, the general conditions included in the constitutional provisions and the fact that they were not further framed by executive laws, in fact deprived citizens from the possibility of protection. That was until Law 3304/2005 was introduced, which incorporated the above mentioned Directives into the national law.

3.3.2. Law provisions

Law 3304/2005 constitutes the most significant anti-discrimination legal arsenal. It is also the most substantial policy step of the past few years. The Law incorporates Community Directives

2000/43/EC and 2000/78/EC and provides for the protection against discriminatory treatment due to racial or ethnic origin (employment and training, education, social protection, including social security and healthcare, social benefits, membership and participation in employees' and employers' organizations, access to goods and services, including housing), religious or other convictions, disability, age and sexual orientation (for the sectors of employment and training)⁶⁴. The aim is to form a general framework for combating discrimination. It should be noted that groups that are subject to discrimination according to the national framework include immigrants, people with disabilities, the elderly and the youth, religious minorities and homosexuals. It should be noted, however, that law 3304/2005 does not include certain definitions of non discriminatory treatment on the grounds of racial or ethnic origin, religious or other beliefs, age and sexual orientation, which are generally absent from the Greek legislation⁶⁵.

Law 3304/2005 assigns the promotion of the principle of equal treatment to three specialized bodies: a) the Greek Ombudsman, b) the Labour Inspectorate and c) the Equal Treatment Committee⁶⁶. A special role is also provided to the Economic and Social Council of Greece (OKE) and the National Committee for Human Rights (NCHR), whereas the Ministry of Labour and Social Security (formerly Ministry of Employment and Social Protection) undertakes an important duty concerning anti-discrimination policies, since it is in charge of planning, monitoring and evaluating the National

⁶⁴ Karantinos, D. & Christofilopoulou, S., 2010, "Combating discrimination: A preliminary investigation", In Naoumi, M. et al. (Eds.) *Social Portrait of Greece 2010*, National Centre for Social Research, p. 130.

⁶⁵ Theodoridis, 2010, *Report on measures to combat discrimination. Directives 2000/43/EC and 2000/78/EC, country report 2009, Greece*, European Network of Legal Experts in the Non-discrimination Field, p. 18.

⁶⁶ Karantinos & Christofilopoulou, op. cit., p. 15.

Strategy. Finally, the involvement of several NGOs in the anti-discrimination field further enhances the promotion of the principle of equal treatment⁶⁷

3.3.2.1. The Greek Ombudsman

The Greek Ombudsman (GO) is one of the five constitutionally sanctioned Independent Authorities. Law 3304/2005 assigned the jurisdiction of promoting the principle of equal treatment in the public sector to the GO. It is the GO's duty to investigate cases, following citizens' complaints regarding discrimination, in order to determine whether there has been a violation of the principle.

The Greek Ombudsman, as a specialized body promoting equal treatment, draws up annual reports in order to present its actions and to highlight the issues concerning discrimination in Greece. Furthermore, it provides legal support and assistance, as well as consultation to individuals who believe they have been subject to discriminatory treatment. The GO collaborates with NGOs and other organizations working in the anti-discrimination field, in order to facilitate contact and to establish trust between those who have been affected by discriminatory practices and the institutional anti-discrimination mechanisms.⁶⁸ The GO also tries to create communication and coordination networks with civil society organizations on all grounds of discrimination covered by Law 3304/2005, in order for the relevant bodies and organizations to become familiar with the existing legislation and institutional protection.

The general jurisdiction of the GO, as described in Law

⁶⁷ See for example Network of Socio-economic Experts in the anti-discrimination field, 2009, *Country Report, Greece*, Athens, p. 33 for an indicative list of the main NGOs working in anti-discrimination issues.

⁶⁸ Greek Ombudsman, 2009, *Promoting Equal Treatment – The Greek Ombudsman as National Equality Body*, p. 3-4.

3094/2003 often allows for the intervention in fields of discrimination in which Law 3304/2005 does not apply. The combined application of the GO's special competences as a body protecting individual rights allows for the expansion of the protection eventually provided and highlights the inextricable connection between the equality principle and the protection of human rights⁶⁹.

It should be noted however that with Law 3896/2010, which essentially withdrew and replaced Law 3488/2005, the GO's competences regarding discrimination on the grounds of gender are expanded to both public and private sector. The GO may also act preventively, in order to promote equal treatment and equal opportunities in employment and occupation for men and women. To this end, the GO can collaborate with the public administration, social partners, enterprises and NGOs, in order to achieve a more active role in promoting changes in attitudes at the workplace. Furthermore, when the GO receives complaints regarding discrimination on the grounds of gender and the beneficiary appeals to justice, the GO will not terminate its investigation, but will continue to seek for an intermediary solution until the first hearing in court or until the appeal for temporary court protection is examined (e.g. appeal for a restraining order).⁷⁰

The added value of the Greek Ombudsman in the field of combating discrimination stems from the fact that, unlike the other two specialized bodies provided by article 19 of Law 3304/2005, that is the Labour Inspectorate and the Equal Treatment Committee, its work is conducted independently.⁷¹

⁶⁹ Ibid, p. 4.

⁷⁰ Greek Ombudsman, 2011, *On the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, 2nd Annual Special Report (June 2009-December 2010)*.

⁷¹ Karantinos & Christofilopoulou, op.cit., p. 15

3.3.2.2. The Labour Inspectorate (SEPE)

The Labour Inspectorate (SEPE) is part of the audit bodies of administration, but its role was recently enhanced, through the Law 3996/2011. It reports directly to the Minister of Labour and Social Security. Among its competences is auditing, in order to capture discrimination due to gender in accessing employment, occupational training and progression, in working conditions in the private sector, but also regarding the equal opportunities principle in employment and occupation.

SEPE provides consultation to employers and employees concerning the conditions of equal treatment and ensures that employers make all appropriate arrangements, through all necessary measures, in order to safeguard the access and retention of people with disabilities in employment, as well as their participation in vocational training. In case of violation of the principle, SEPE acts as a mediator between the employer and the employee in order to find an accommodating solution – it can also impose a fine on the employer. Moreover, it may publish reports and make suggestions regarding discrimination issues. In order to enhance this role, article 19 of Law 3304/2005 provides for the establishment of 5 permanent work posts to scientifically assist the Labour Inspectorate, to investigate complaints, to conduct reports, but also to inform and generally raise awareness in order to achieve social convergence.

As noted in the OKE 2009 annual report⁷², the Labour Inspectorate never drew up a special report regarding the implementation

⁷² OKE, 2009, Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other convictions, disability, age or sexual orientation. 2008 report: Annual report of OKE on the implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other convictions, disability, age or sexual orientation (Article 18 of L. 3304/2005). http://www.oke.gr/opinion/op_223_09.pdf

and promotion of equal treatment in the private sector in the field of employment and occupation, because no complaints regarding the violation of L. 3304/2005 have ever been made. According to OKE⁷³, the absence of complaints or cases of self-appointed detection of violations of the principle of equal treatment is quite alarming. It does not imply the thorough application of the principle of equal treatment, but rather the victims' ignorance of relevant rights and the inability of responsible services to detect such cases.

It should be noted however that one of SEPE's advantages lies on its geographical dimension.⁷⁴ Local departments of Social Inspection make it easier for stakeholders to file complaints.

3.3.2.3. Equal Treatment Committee

The Equal Treatment Committee is provided by article 21 of Law 3304/2005 and is directly governed by the Minister of Justice, Transparency and Human Rights. It consists of five members and covers all areas of the private sector, apart from employment and occupation. Its main jurisdictions include: a) monitoring the reconciliation efforts following complaints over violations of the principle of equal treatment, b) drawing conclusions when retaliatory actions fail, c) formulating judgments, either automatically or following queries made by the Minister of Justice or other Authority, when the violation of the principle of equal treatment falls within its jurisdiction, d) composing reports regarding the implementation of the principle of equal treatment. In achieving its goals, the Committee is assisted by the equal treatment bureau which constitutes the central service of the Ministry of Justice.

The Committee was established in October 2005 and it has in-

⁷³ *ibid*

⁷⁴s Karantinos & Christofilopoulou, *op. cit.*, p. 16

vestigated a relatively small amount of complaints.⁷⁵ Due to its limited jurisdiction, there is a significant difficulty in intervening and assisting when individual cases are concerned, whereas its composition does not ensure independence due to the decisive role of the Ministry. OKE notes that a significant increase in both human and other resources is necessary, in order to provide the Committee with the ability to perform more effectively. Moreover, it is noted that the Committee should be able to substantially intervene and impose penalties, in order to perform not only preventively but also in a repressive manner.⁷⁶ Finally, priority should be given to transforming the Committee into an Independent Authority, following the model of the Greek Ombudsman, in order for our country to comply with the provisions of the Directive 2000/43/EU.

3.3.2.4. Economic and Social Council of Greece (OKE)

Article 18 of Law 3304/2005 assigned new jurisdictions to OKE regarding the implementation of the principle of equal treatment, among which is conducting an annual report and encouraging social dialogue on these matters with NGOs, which operate in the anti-discrimination field. In its annual reports, OKE documents the main allegations of equal treatment violations, drawing on data from NGOs and international organizations. Its annual reports also include recommendations, directives, observations and implications, in order to enhance the application of anti-discrimination legislation, thus constituting a necessary tool for monitoring, evaluating and reformulating anti-discrimination policies⁷⁷.

⁷⁵ *ibid*

⁷⁶ OKE, 2011, “*Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other convictions, disability, age or sexual orientation (2009 Report)*”, Opinion no, 223, November 3rd 2009, www.oke.gr

⁷⁷ Karantinos & Christofilopoulou, *op. cit.*, p. 17

3.3.2.5. National Commission for Human Rights (NCHR)

The National Commission for Human Rights (NCHR) was founded under Law 2667/1998, with the aim of consulting the Greek State on issues regarding human rights' protection and promotion. Since combating discrimination is inextricably linked to human rights protection, the role of NCHR in highlighting certain issues is of extreme importance. Its representative composition allows for the coexistence of creatively diverse forces:⁷⁸ public officials, specialists, workers unions' members, political parties' spokespersons, NGOs and other bodies. In its annual reports, NCHR makes observations and recommendations regarding Law 3304/2005 which aim at its improvement. It should be noted that in the 2009 annual report, NCHR proposes the amendment of the existing legal framework of equal treatment. More specifically, NCHR's proposals are classified into the following three categories: a) incorporation of substantial provisions of the Directives into national legislation, b) incorporation of provisions regarding increased and efficient lawful protection of the right in equal treatment, c) adjustments in national law in order to meet the demands of community legislative acts for the social arrangement of equal treatment and combating discrimination⁷⁹.

3.3.3. The main provisions of Law 3304/2005

Law 3304/2005, which encompasses Directives 2000/43/EC and 2000/78/EC, establishes a specialized anti-discrimination legislative framework. Previous constitutional provisions are specialized through the aforementioned law and concrete protection is now provided in five different areas.

⁷⁸ See 2009 report, p. 19, www.nchr.gr

⁷⁹National Commission for Human Rights (NCHR), 2010, *Annual Report of NCHR 2009*", p. 120.

It is actually the first time that Greece acquires a complete institutional framework of protection. Through the establishment of Equality Bodies, this Law gives the possibility to “vulnerable social groups”, which tend to present higher rates of poverty and unemployment compared to the rest of the population, to seek an alternative route for protection, since the judicial route, often time- and money-consuming, is not always the most effective.⁸⁰

Law 3304/2005 comprehensively defines direct discrimination and harassment, whereas it allows for certain exceptions. It should be noted that in the Greek Law (and in L. 3304/2005 in particular) there are no provisions or definitions concerning discrimination on the grounds of beliefs or relationships, nor are there any rules regarding multiple discrimination (or any plans to adopt such rules or any jurisprudence for discrimination on multiple grounds whatsoever).

According to article 4 L. 3304/2005, the principle of equal treatment will be applied to all legal persons in both public and private sectors, regarding a) terms of access to employment and occupation in general, b) access to all types and all levels of vocational guidance and vocational training and retraining, including practical work experience, c) working conditions and employment terms, d) membership of and participation in employees and employers’ organizations or in any organization whose members carry on a particular profession, e) social protection, including social security and healthcare, f) social advantages, g) education, h) access to and supply of goods and services, which are available to the public including housing. However, the exception of nationality is something that needs to be highlighted.

⁸⁰ Karantinos, D., Christofilopoulou, S., 2009, *Network of Socio-Economic Experts in the Anti-discrimination Field, Country Report: Greece*, National Centre for Social Research, unpublished, p. 19.

3.3.3.1. The exception of nationality from the scope of protection of L. 3304/2005

When it comes to discrimination on the grounds of nationality, equal treatment policies contradict Greek immigration policy or at least the provisions which directly or indirectly concern the legal and employment status of Third Countries' Nationals.⁸¹ The “*exception of nationality*” introduced by article 4 par. 2 of Law 3304/2005, essentially renders any type of institutional direct or indirect discrimination against immigrants absolutely legitimate, due precisely to their (non-Greek) nationality.

In order to limit indirect discrimination against immigrants and to ensure equal treatment, equal rights and opportunities, the exception of nationality should be discussed and possibly withdrawn. The Greek Ombudsman notes that Law 3304/2005 should be reevaluated, especially when it comes to: a) Third Countries' Nationals, who have settled and live in Greece for a long period of time and b) complaints of Third Countries' Nationals, the investigation of which may provide serious indications of suggested unfavourable treatment on the grounds of racial or ethnic origin.⁸²

3.4. Challenges in implementing the institutional framework for combating discrimination

Despite the existence of a concrete institutional framework, specialized institutional bodies⁸³ highlight implementation and legal gaps in their annual reports. The views expressed by these bodies carry significant weight, since they do not reflect solely their own views, but

⁸¹ OKE, 2011, op. cit., p. 20-21

⁸² Greek Ombudsman, 2009, *ibid*, p. 12

⁸³ Reports of OKE 2009, *ibid*, NCHR 2010 *ibid*, GO, *ibid*

also those of the civil society organizations working in the anti-discrimination field. More specifically, in its 2009 report, OKE detects instances where the equal treatment status is being violated⁸⁴. As far as religious freedom is concerned, the lack of a Mosque and Muslim cemetery is stressed⁸⁵. As far as discrimination due to racial or ethnic origin is concerned, incidents of mistreatment have been documented among unregistered immigrants, asylum seekers, Roma (who also face housing problems⁸⁶) and socially marginalized individuals. Another example of violation of the principle of equal treatment is the not-guilty verdict in court in cases of anti-Semitic publications.⁸⁷

OKE maintains that state initiatives should not be limited to the institutional formal protection of vulnerable groups, but should constitute a set of practices with the ultimate goal of combating discrimination and positively empowering the “different” social groups, whilst at the same time respecting their uniqueness.⁸⁸ Such initiatives include educating public officials on issues regarding discriminatory treatment, informing members of protected groups on their rights, public awareness-raising campaigns, ensuring social consent on minority issues, coordinating cooperating bodies etc. Furthermore, OKE and NCHR stress the importance of creating targeted programs for the improvement of living conditions, education and employment prospects for “vulnerable population groups”, together with the need to engage lawyers through a system of vol-

⁸⁴ OKE 2009, *ibid*, p. 17-19

⁸⁵ Through initiatives coordinated by the Vice-President, Th. Pangalos, there has been some progress on these issues. See, Vice-President (2010) *Report, October 7th 2009 – December 15th 2010*, Athens, p. 66-67. <http://antiproedros.gov.gr>

⁸⁶ Greek Ombudsman, *ibid*, p. 24-31.

⁸⁷ Such an example is the dismissal of K. Plevris, writer of the book “Jews: The whole truth” by the Court of Appeal in Athens on the 27th March 2009.

⁸⁸ OKE, 2006 Report, p. 23-27, 2007 Report, p. 17-20, 2008 Report, p. 18-21 http://www.oke.gr/oke_pro_n_pdf.html

untary legal support of these groups.⁸⁹

Furthermore, the fact that there are three bodies that work for the implementation of the law, and in diverse areas, at times becomes confusing and non-effective. NCHR suggests the assignment to the Greek Ombudsman of the promotion and monitoring of the principle of equal treatment in both the public and private sectors and in every area, apart from access to goods and services, for which the competences of Consumer Ombudsman should be established. In this respect, the fact that the GO operates as an independent authority is a significant advantage.⁹⁰

The Greek Ombudsman stresses the existence of significant barriers in implementing and promoting the principle of equal treatment between men and women in employment and occupation. It particularly denotes that discrimination on the grounds of gender still exists in employment terms and in access to vocational education and training. As far as the public sector is concerned, the procedural and legal barriers faced by men in claiming their parental leave rights are stressed, whereas one of the main issues emerging in the private sector concerns pregnancy and motherhood and the fact that not enough measures are taken in order to re-integrate women into the labour market after long absences.⁹¹

3.5. The implementation of the Directives in individual member countries of the European Union: a comparative analysis

In order to evaluate the incorporation and implementation of

⁸⁹ See Karantinos & Christofilopoulou, 2009, op. cit., p. 20.

⁹⁰ NCHR, *ibid.*, p. 135.

⁹¹ GO, *ibid.*

Directives 2000/43/EU and 2000/78/EU in individual European countries and in order to enable a comparative analysis, four countries with diverse characteristics were selected: the United Kingdom, Germany, Spain and Sweden. The selection was based on the Esping – Andersen welfare state model. Esping – Andersen distinguishes welfare states into three categories, depending on a range of multidimensional criteria, incorporating funding, type of services provided etc. These three models are: the liberal anglo-saxon model, where need is the basic criterion of social rights, the central-European state corporatism where rights are distributed on the basis of occupation and insurance and the social-democratic Scandinavian model, which acknowledges rights to all citizens regardless of needs or occupational efficiency.⁹²

In Spain, like in Greece and France, there is a compilation of constitutional and detailed statutory civil and/or penal prohibition concerning discrimination. There are also more civil or penal provisions, which together regulate discrimination on the relevant grounds for a wide field of application, such as social protection, social advantages, education and access to goods and services, including housing⁹³. Wherever an exception from the prohibition of direct discrimination is applied, discriminatory treatment is subject to a general justification defence.

On the other hand, the legislation of countries like Germany,

⁹² Katrougalos, G., 2009, *Institutions of Social Policy and Protection of Social Rights in International and National Level*, Athens, Nomiki Vivliothiki, p. 118 (in Greek).

⁹³ Human European Consultancy-Migration Policy Group, (2006), *Comparative analyses on national measures to combat discrimination outside employment and occupation. Mapping study on existing national legislative measures – and their impact in – tackling discrimination outside the field of employment and occupation on the grounds of sex, religion or belief, disability, age and sexual orientation*, VT/2005/062, p. 3

Sweden and United Kingdom covers some or all relevant grounds of discrimination, but its field of application is more restricted. Differences among those countries can however still be found. For example, Germany's constitutional or detailed statutory provisions do not extend to the whole field of social protection, social advantages education and access to goods and services including housing. Furthermore, countries such as the United Kingdom and Sweden do not regulate discrimination on all relevant grounds, apart from the framework of employment and occupation⁹⁴.

Discrimination on the grounds of religion or belief is an issue of broad protection in Sweden and the United Kingdom, where protection extends to social protection, social advantages, education and access to goods and services including housing. Germany and Spain offer significant protection, although not as comprehensive as that provided in Sweden and the United Kingdom, whereas Greece also provides some protection from discrimination on these grounds (in some cases through a general constitutional equality clause). It should be noted however that, according to the Eurobarometer survey in 2009, 52% of the Swedish sample believed that discrimination on the grounds of religion or belief is very or fairly widespread, which constitutes the highest rate among the aforementioned five countries.

As far as discrimination on the ground of disability is concerned, the United Kingdom appears to be offering the greatest protection in relation to social protection, social advantages, education and access to goods and services including housing. Germany and Spain also provide a significant degree of protection and enforce obligations of rightful adjustments to one or more of these areas. Sweden provides for some measures of protection, whereas in Greece there is little in the way of legal control of disability outside the employ-

⁹⁴ *ibid.*, p. 4

ment context⁹⁵. According to the 2009 Eurobarometer survey, the Greek sample exhibited the highest rates of viewing discrimination on the grounds of disability as very or fairly widespread (63%), followed by the Swedish sample (58%).

Concerning gender, the legislation of Sweden and the United Kingdom overruns the minimal requirements of the European Union and provides broad protection from this kind of discrimination. Germany and Spain also provide measures that overrun the requirements of the European Union, although the field of application is relatively more limited. Finally, Greece provides measures of added protection through constitutional or other provisions⁹⁶. According to the 2009 Eurobarometer survey, among the five countries, Sweden appears to have the highest rates of viewing discrimination on the grounds of gender as very or fairly widespread (52%), followed by Greece (49%).

As far as the protection from discrimination on the grounds of sexual orientation is concerned, in relation to social protection, social advantages, education and access to goods and services including housing, Germany, Spain, Sweden and the United Kingdom provide a significant degree of protection. In Greece, besides what is required by the European Union legislation, very little is being done through legal control of discrimination due to sexual orientation⁹⁷. According to the 2009 Eurobarometer survey, among the five countries, Greece appears to have the highest rates of perceived discrimination on the grounds of sexual orientation as very or fairly widespread (64%), followed by Sweden (57%).

When it comes to age, it is the discrimination ground for which,

⁹⁵ *ibid*, p. 4

⁹⁶ *ibid*

⁹⁷ *ibid*

besides the field of employment, the least support is being provided. Germany and Spain provide significant protection, whereas in Sweden and the United Kingdom anti-discrimination protection does not expand beyond what is required by the provisions of the European Union⁹⁸. In the 2009 Eurobarometer survey on discrimination, the United Kingdom and Sweden are the countries with the highest rates of perceived discrimination on the grounds of age (61% for both countries).

3.6. Conclusions

It becomes evident from European Commission's reports that all member states of the European Union have incorporated the two specific Directives concerning equality into their national Law, in a way that probably exceeds the requirements of the European legislation, regarding either the grounds of discrimination or the field of application or the competences of the national bodies of equality⁹⁹. Most member states have incorporated the Directives into their civil or labour law, whereas a small number has conveyed them through their criminal law.

The incorporation of the Directives for racial equality and employment equality into the national legislations of the EU member states has contributed to the codification and clarification of their legislation on combating discrimination. It has also contributed to the significant enhancement of legal protection in the particular sector.

All countries examined here have incorporated all grounds of discrimination included in the Directives. Most of them have cho-

⁹⁸ *ibid*

⁹⁹ European Commission, (2010), *Developing Anti-discrimination Law in Europe*, Directorate-General for Justice, p. 3

sen not to define the grounds of discrimination in their implementing legislation. They have also introduced legislation that explicitly prohibits direct and indirect discrimination, harassment and commands for the implementation of discriminatory behavior. In addition, in most cases, the definitions provided in national legislation are quite similar to those given in the Directives. A number of states have essentially reproduced the text of the Directives regarding these core concepts¹⁰⁰.

Although significant progress has been achieved during the past few years and although most countries seem to satisfy the application field of the Directives, there are still some notable gaps, which require an immediate response. For example, there is a lack of protection in employment and occupation in certain countries, especially in the public sector. Moreover, some countries provide limited protection when it comes to the distribution of goods and services, which is restricted to those goods and services which are available to the public. It is finally up to the courts to decide whether national law is inconsistent with the European law and it is up to them to ensure the effective implementation of the law¹⁰¹.

A common characteristic of the member states is that the jurisprudence at the national level for all those protected by the Directives' grounds is nowadays more frequent, although the number of complaints remains quite low in some countries, or focuses on certain grounds, especially at the expense of the other grounds. Certain procedural difficulties that affect both access to justice and effective enforcement stem from the short limitation periods foreseen in legislation, the time-consuming procedures, and the high cost or failure in providing legal assistance. In some countries, legislation remains

¹⁰⁰ European Commission, *ibid*, p. 3a

¹⁰¹ *ibid*, p. 100

complex and the restoration of discrimination victims remains limited. It should however be noted that there is a great increase in the number of pre-court queries, filed at the European Court, especially on the grounds of age, but we still need to see how these verdicts will be applied at the national level. This is to a great extent due to unclear parts in the Directives' text and, in effect, to many national provisions which borrowed the Directives' text. Thus, court interpretation is of extreme importance in order to clarify certain significant boundaries.

All countries have now equality bodies or have incorporated their functions into the mandates of existing bodies, such as national human rights institutes. These bodies are competent not only for discrimination on the grounds of racial or ethnic origin, but for other grounds too. The function of these specialized bodies in many countries overruns what is suggested in the Racial Equality Directive. It remains to be seen whether these bodies will be able to conduct their competences independently, as required in the Directive.

For Greece in particular we could maintain that, despite the legal gaps, there is now a comprehensive legislative framework on combating discrimination. However, one of the main characteristics of the Greek State is the excessive number of laws; as characteristically noted by Kornelios Takitos "the more corrupt a state, the more ruling it requires". The coding and simplification of the existing legislation is required in order for the State to contribute to the civil rights' protection. Sparse and complex legislation does not protect citizens from potential rights' violations. Such an example could be derived from the ground of immigration, as immigrants consist one of the vulnerable groups.

The Greek State should seriously take into consideration the reports of specialists on discrimination issues (e.g. reports by the OG,

OKE, NCHR), but also those of specialized international organizations. Consequently, the necessary changes and adjustments in the institutional framework should be made, in order to remedy any gaps and obscurities of Law 3304/2005. The reformed law should clearly provide the prohibition of multiple discrimination and include no exceptions for discriminatory treatment on the grounds of immigration status or nationality. The national institutional framework should ensure effective protection from discrimination for all individuals in all areas of life. This requires exactly the same level of protection for everyone, without a hierarchy of rights between the different grounds of discrimination, including gender, racial or ethnic origin, religion or belief, age, disability or sexual orientation.

The primary duty of the Greek State is the dissemination of information regarding the existing laws on combating discrimination. Developing social dialogue among government, civil society and social partners will contribute towards this direction. Raising public awareness on discrimination matters is an important tool, which can substantially help tackling discrimination. In addition, the NGOs can play a determining role, as far as they engage in this particular field and gain legitimacy by the judicial authorities, which defend the victims of discrimination.

4. Policies and best practices in combating discriminations in European countries and their transferability to Greece¹⁰²

Introduction

The objective of this section is to present, analyze and discuss policies and good practices of equality/non-discrimination mainstreaming from across the EU Member States, as well as from non EU States at national and regional/local level.¹⁰³

The European Commission has defined equality/non-discrimination mainstreaming as the ‘systematic incorporation of non-discrimination and equal opportunity concerns on the grounds covered by Article 19 of the Treaty into all policies, legislation and programmes’. Article 19 grounds cover gender, racial or ethnic origin, religion or belief, age, disability, and sexual orientation. Article 10 of the Lisbon Treaty also requires that ‘in defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation’. This gives the EU a legal basis

¹⁰² This section has been written by D. Karantinos, S. Christofilopoulou and N. Spyropoulou. For the full text, see: <http://www.gsdb.gr/ocd/>

¹⁰³ The full list of good practices is available at the above web site.

to pursue its efforts in equality/non-discrimination mainstreaming.

4.1. Anti-discrimination policies in Greece

As we have seen in section 3 of this work, Community Anti-Discrimination Directives 2000/43/EC (Racial Equality Directive) and 2000/78/EC (Employment Equality Directive) were incorporated into the Greek legislative framework through Law no 3304 of 2005, which foresees protection against discrimination on the grounds of racial or ethnic origin, religious or other beliefs, disability, age and sexual orientation. Law 3304/2005 constitutes the most prominent anti-discrimination legislative tool. Before its adoption, Greece lacked a comprehensive framework on anti-discrimination which could support legal demands. Besides, through the establishment of the Equal Treatment Principle promotion bodies, the Law offers an additional option to the legal way.

Regarding the governance of anti-discrimination policy, Law 3304/2005 entrusts the promotion of the Equal Treatment Principle to three administrative bodies (Equality Bodies): a) *the Ombudsman*, when Anti-Discrimination legislation is breached by public bodies, b) *the Labour Inspectorate*, when discriminatory practices take place in the private sector, in the field of employment and occupation and c) *the Equal Treatment Committee*, when discrimination occurs in the private sector in all other fields apart from occupation and employment. Moreover, Article 18 of the Law attributes a key role to the Economic and Social Committee: the promotion of social dialogue and monitoring of the implementation of the Equal Treatment Principle.

The main tasks of the Ombudsman on the anti-discrimination field involve making investigations upon complaints of discriminative behaviour, providing legal assistance and advice to the victims

of such behaviour, as well as publishing reports and making recommendations on anti-discrimination policy. The added value of the Ombudsman's work derives from the fact that its work is undertaken autonomously of government authorities, as it is a 'constitutionally sanctioned Independent Authority'.

However, this is not the case for the other two Equality Bodies, since they constitute governmental agencies. The Labour Inspectorate acts as a conciliator between the employer and the employee when discriminative behaviour is reported, while it can also impose a fine to the former. The Inspectorate can also publish reports and make recommendations regarding discrimination issues in the field of employment. Since the adoption of Anti-Discrimination Law, the Inspectorate has hardly recorded any complaints of discriminative behaviour, which, however, does not constitute an indication that the Law is implemented flawlessly. On the contrary, this absence of complaints brings into light "*the Inspectors' weakness in tracking down such cases, as well as the victims' ignorance of their rights against employers' discriminatory practices*".¹⁰⁴ Nevertheless, in defence of the Inspectorate, it should be mentioned that it was assigned a difficult task without being granted the means necessary to fulfil it, since it experiences personnel shortages. This is worsened by the existence of a plethora of micro enterprises¹⁰⁵ which makes inspections even more difficult. An initial, positive, step could be the recruitment of persons from the groups running the risk of discrimination as special advisors to the Inspectors on discrimination issues.

¹⁰⁴ Economic and Social Council of Greece, "Implementation of the equal treatment principle regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation (2007 Report)", Opinion no 196, 24th June 2008) pages 13-14

¹⁰⁵ Approximately 95% of Greek enterprises are micro or small.

Like the Labour Inspectorate, the Equal Treatment Committee examines complaints for violation of the principle in its area of competence and attempts to resolve the differences between conflicting parties, together with releasing reports and making recommendations on discrimination matters. However, it can not impose sanctions. Since its establishment, it has examined hardly any cases and has largely been inactive. Nonetheless, the Committee recognises that this small amount of complaints underlines the necessity for coordinated actions, such as information campaigns to familiarise people with their rights under Law 3304/2005 in order to allow them to react when becoming victims of discrimination.¹⁰⁶

Finally, special reference should be made to the role of the Economic and Social Council (ESC) and the National Commission for Human Rights (NCHR).¹⁰⁷ Before releasing its annual reports, the ESC welcomes the views and opinions of a number of NGOs and organisations operating in the anti-discrimination field. Apart from updated information on the implementation of the Equal Treatment Principle, the Committee's annual reports contain recommendations, guidelines, remarks and suggestions in order to boost implementation of anti-discrimination legislation. The NCHR is a consultative statutory institution with the Greek State on issues relating to human rights promotion and protection. Its members represent organisations (such as the Amnesty International Greek Section, Universities etc), social partners, political parties, ministries, NGOs etc. The NCHR was set up in 1998 and since then it has issued ten

¹⁰⁶ Op.cit.

¹⁰⁷ The E.S.C. of Greece was established by Law 2232/ 1994 and was modelled after the E.S.C. of the European Union which is based on the tripartite organisation of the represented interests, that is the division into three groups: employers, employees and a third category composed of farmers, representatives of the independent professions, local government and consumers. <http://www.oke.gr/index-en.htm>

(10) annual reports and numerous ‘decisions and advisory opinions’ on several issues regarding human rights protection, thus contributing to bringing their significance into light.

Both the ESC and the NCHR have raised some implementation issues in their annual reports¹⁰⁸ concerning Anti-Discrimination legislation. Some of these issues include the lack of personnel in the Equal Treatment Committee and the Labour Inspectorate, the need for training their officials on discrimination issues, the need for more sensitisation and awareness raising campaigns and more effective evaluation instruments. The ESC and NCHR also highlight the necessity for more information available on their rights under Law 3304/2005 for the groups at risk of discrimination and for increased emphasis on the regional dimension of dissemination actions. Moreover, the importance of targeted programmes on the improvement of living, education and employment conditions for ‘vulnerable population groups’ is also underlined, together with the need to activate lawyers through a system of voluntary legal support to those groups. Finally, both organisations have pointed out the practical issues arising from the existence of three separate Equality Bodies together with the lack of institutional coordination between them, as opposed to Law ‘3488/2006’ which attributes the safeguarding of the Equal Treatment Principle for men and women to one single body.¹⁰⁹ This one, unique, Equality Body should also

¹⁰⁸ Economic and Social Council of Greece, “Implementation of the equal treatment principle regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation (Reports of 2006, 2007, 2008)

National Commission for Human Rights , “NCHR Annual Report 2007”, March 2008

¹⁰⁹ Law “3488/2006” incorporated Directive 2002/73/EC “on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions”. Under Law “3488” there is only one body, the Ombudsman, entrusted with the monitoring of

be able to act automatically when discriminative behaviour is spotted, even if the victim is reluctant and afraid to report it.

Since the adoption of Law 3304 in 2005, there has not been a comprehensive anti-discrimination and equal opportunities strategy in Greece. The main policy developments have been confined to legislative amendments –mostly on immigration- and EU funded interventions such as the National Strategy for Equal Opportunities, implemented in the framework of “2007: European Year of Equal Opportunities for all” and the National Strategy Report on Social Inclusion 2008-2010. There is a need for reliable indicators to assess and evaluate the impact of initiatives as such, together with increased awareness raising campaigns, the adoption of a comprehensive anti-discrimination strategy targeting all fields of discrimination, besides employment and the introduction of non-discrimination mainstreaming to all policies.

Nevertheless, as pointed out in section 2, despite the unfavourable economic and social climate in Greece, a significant step forward to the fight against discrimination has been made with the adoption of Law 3838 in February 2010 which, under certain circumstances, grants citizenship to second generation immigrants. Together with Anti-discrimination Law 3304/2005, Law 3838/2010 constitutes a milestone in anti-discrimination legislation, since it resolved an issue long demanded by immigrants, NGOs and civil society organisations.¹¹⁰

4.1.1. A Compendium of good practices in Greece

The present Compendium of good practices in Greece includes

the application of the Principle of Equal Treatment for both public and private entities (Article 13).

¹¹⁰ For more details, see section 2.2.

examples of the practice of equality/non-discrimination mainstreaming in:

- a. Policy making – the process by which equality/non-discrimination across some or all of the Article 19 grounds is given consideration during the design of new legislation, policy or programmes being developed by the public authorities.
- b. Policy implementation – the process by which organizations charged with implementing public policy take account of equality/non-discrimination across the Article 19 grounds in their operational procedures and practices.
- c. Policy review – the process by which the public authorities assess the impact of policies or programmes on equality/non-discrimination across the Article 19 grounds when they evaluate these policies and programmes.

4.1.1.1 Discrimination on the grounds of race or ethnic background

Title of the good practice	Actions to sensitize citizens on issues of social exclusion of citizens of gipsy origin
Implementing Organization	OikoKoinonia Vilara 7 & Valaoritou, 54625, Thessaloniki Region of Central Macedonia « OikoKoinonia » is since 2001 a civil non-profit association (Non-Governmental Organization), aiming at taking action in the field of social intervention
Actors involved	
Background	The overwhelming majority of Greek “Roma” people live on the edges of the Greek cities of the 21st century, in a state of absolute marginalization, to which they have been led - mainly over the last few decades - by the country’s development model. The growth of the Greek cities forces the Roma communities to relocate continually, as land uses change, land values increase continually, and the Roma are driven out of their homes which-

	<p>for the most part, of course - were on public or privately owned land. In these circumstances, the already impoverished Roma community becomes poorer still, losing its ability to generate the necessary income for survival, while often finding itself compelled to approach closer to the Greek cities, which are developing as centres of economic growth where there are opportunities for secondary employment.</p> <p>In neighborhoods where the "Roma" people live initiatives need to be launched to promote mutual recognition and acceptance of all inhabitants. Each action must seek to create permanent, small institutions to highlight Romany cultural identity and to promote and ensure the organic inclusion of the "Roma" into structures and activities at the local community level.</p>
Description of the action	<p>Duration: 20/4/2005 - 24/7/2008</p> <p>Within the framework of the Operational Program of Complete Interventions of Urban Growth in North-western Thessalonica, the Non Governmental Organisation "OIKOKOINONIA" held an informative campaign of sensitization on the subject of social exclusion of citizens of gipsy origin. The campaign concerned the production of newsletters, the launch of the following website http://www.oikokoinonia.gr, the promotion of events and the projection of a film/documentary.</p> <p>The action of sensitization produced reliable communication material, which was distributed to institutions, organisations and authorities such as the Presidency of Democracy and the Office of the Prime Minister, the responsible Ministries, all Prefectures, the 87 municipalities of the country in which there are gipsy communities. The aim of this action was to promote a new integrating policy for the social integration of gipsy citizens.</p>
Results	<p>The film/documentary, of 45 minute duration, presents how the social exclusion of gypsies is translated into their daily life, the way and the degree to which this exclusion works out their terms of reconciliation with public institutions/services and the repercussions on their existence. Also, this documentary stresses that the entrenchment of gipsy communities is not a "natural situation" but a product of social discrimination and leads to the need of survival against an increasingly hostile social environment.</p> <p>In its first public showing, in the "9th Documentary Festival Images of the 21st Century, 2007" in Thessalonica, the film won the 2nd Reward of Audience.</p>

Impact	It is also expected that the film is going to take part in international documentary festivals and finally, it will be used as a spot against social discrimination in Greek television.
Contact details	Contact person: Thalia Kalogirou Phone: 2310 326419, 2310 523084 Fax: 2310 523084E-Mail: info@oikokoinonia.gr
References	http://www.hellaskps.gr/bestpractices/proj_en.asp?pld=85 http://www.oikokoinonia.gr/en/action.asp

Title of the good practice	Fighting discrimination with the media's help in order to shape public opinion. Improve the employability of the media groups that suffer racism.
Implementing Organization	Developmental Partnership: DREAM (Discrimination Racism Equality And Media). Initiative of 17 organizations. <u>Project Leader</u> : DIMITRA Centre of Information and Education, Limited Company-Palaiologou 19, 41223, Larissa
Actors involved	Structure DP – DIMITRA Centre of Information and Education (Project Leader), KEDKE Central Union of Municipalities and Communities of Greece, Greek TV IRD Region, Regional Daily Newspaper Association, National Federation of Pontian Societies (POPS), Federation of Hellenic Societies of Northern Epirus' St. Cosmas, MPA news agency SA KEK Consul, Press and Media Ministry, Greek Radio 3 TV ERT, the Greek Centre of Helsinki - Society of Communicative Research and Policy-EPS., Municipal Agency for Social Intervention and Health (D.O.K.P.Y.), General Secretariat for Greeks Abroad Aristotle University of Thessaloniki - Research Committee, AGIS (Association of Housing settlers Echedoros Holy Wisdom), Society for Social and Cultural Support repatriated Greeks 'Homecoming', KEK EDIP Company Administration and Computer Science - Information Technology News.
Background	Media stereotypes are inevitable, especially in the advertising, entertainment and news industries, which need as wide an audience as possible to quickly understand information. Stereotypes act like codes that give audiences a quick, common understanding of a person or group of people—usually relating to their class, ethnicity or race, gender, sexual orientation, social role or occupation.

Description of the action	The main goal of this action is to fight discriminations, racism and xenophobia in order to allow the democratic representation in the employment of members of certain groups, media makers and to influence public opinion, to combat stereotypes and prejudices that hinder the access of these groups in the labour market. The action also includes a pilot implementation of Equality Audit and the Civil Code in 6 Media
Results	This action was recognized as best practice in Equality Audit and Civil Code for the integration of diversity in the media.
Impact	Introducing the concept of diversity in everyday life would have a significant effect as it concerns the perceptions and behaviour of many viewers. Also it will offer to members of different social- groups, role models and a more balanced picture of these groups. Both these aspects are very important for ensuring a more respectable position which will limit racism and xenophobia. The existence of public figures from different social groups will function as special standards which will stimulate positive young people who are members of immigrants and refugees families. (http://users.auth.gr/~gtsiakal/Xenophobia.pdf)
Contact details	DEVELOPMENT PARTNERSHIP DREAM - NETWORK TO COMBAT RACISM AND XENOPHOBIA IN THE MEDIA Dream.net.gr DIMITRA-Center of Information and Education Add: Palaiologou 19, 41223, Larissa Tel: 2410 554026, 554027 e-mail: contact@dimitra.gr Project Manager : George Petrou
References	www.equal-greece.gr

Title of the good practice	Promotion of specific diagnostic and coupling of immigrants refugees and employers' needs.
Implementing Organization	Forum for social cohesion-Development Partnership for equality and social cohesion. (Community Initiative Equal) Coordinator Leader: Athens News's Agency Address: Tsoha 36, 11521, Athens
Actors involved	Athens News Agency (Coordinator), Centre for Sport and Cultural Solidarity, Labour Federation Textile-Clothing-Leather, Centre of Studies and Documentation OLME, ELYROS SA Association of Albanian Immigrants, Greek Committee for Cooperation with UNICEF, Athens Labour Centre, Albanian Community Athens, Greece, the Ethiopian Community, Children's Village SOS, HPC edges, Bangladeshi Migrant Workers Union of Greece, National Youth Institute, University of Athens School of Media, Ergon KEK, Doctors Without Borders, the Municipality of Athens Development Agency SA Employment and Entrepreneurship Center City of Athens, Institute of Social Work, Lambrakis Foundation, Greek Network for Corporate Social Responsibility Tekmor SA and Information Centre of vulnerable social groups Acharnon City.
Background	It is a fact that the phenomenon of racism and xenophobia is at its peak. Daily several violent incidents involving immigrants come to the fore.
Description of the action	The desired goal of the project «Forum for Social Cohesion is a comprehensive, multilevel intervention to address the phenomenon of racism and xenophobia and to create the conditions for the development of multicultural Greek society. The Project «EQUAL - Forum for Social Cohesion is an integrated intervention to address the phenomenon of racism and xenophobia and to create the conditions for the development of multicultural Greek society. The employment and social integration of immigrants and refugees, raising awareness and rejection of racist stereotypes from both those who intervene in shaping public opinion and the general population are the priorities for the actions of the project. Support affected by discrimination based on racism in upgrading their skills and their social integration. Research, promotion and strengthening the role and rights of foreigners in the labor market and society. Raising awareness and makers and social partners and stakeholders on the issue of combating racism and xenophobia.

Results	The project attempted a comprehensive, multi-level intervention to address the phenomenon of racism and xenophobia and to create conditions for developing multicultural Greek society.
Impact	Employment and social integration of immigrants and refugees, raising awareness and rejection of racist stereotypes from both those who intervene in shaping public opinion and the general population are the priorities for the actions of the project.
Contact details	Forum for social cohesion-Development Partnership for equality and social cohesion Tel: +(30) 2106400560(Athens News Agency) Fax: +(30) 2106400581(Athens News Agency) www.migrantsingreece.org
References	http://www.csrhellas.org http://walking-greece.ana-mpa.gr/articleview2.php?id=961 www.ergonkek.gr

Title of the good practice	ImMigrants Agro-Jobs. Employment of economic immigrants in the agriculture sector through the acquisition of professional qualifications/skills and support structures
Implementing Organization	“Developmental Partnership Emigrants agro jobs” Aristotle University of Thessaloniki (AUTH), Faculty of Agriculture, Department of Agricultural Economics, PO 246, PC 541 24, AUTH Univ. of Thessaloniki, tel and fax: 2310-99 88 from 2310 to 1999 42 83 E-mail: papklavd@agro.auth.gr, ehatzig@agro.auth.gr
Actors involved	D.P. Emigrants Agro-jobs consists of the following partners: -Aristoteleio University of Thessaloniki -Agricultural University of Athens -Development Company of Karditsa -Development Agency of Lassithi SA -HPC Delta Ltd. - E.A.S. Ierapetra - Association of Rural Development of Central Greece (O.A.A.S.E.) - Union of Agricultural cooperatives ATALANTIS SYN.PE. - Agricultural cooperatives Domokou SYN.PE - Agritourism cooperative Syrian women “TO KASTRI” - Mr Akis Simatos Co. (FROG-TV) - Passerella NETWORK A.E. - Network for Social Support of Refugees and Immigrants - Albanian Association of Trikala

Background	In Greece there is a deficit of skilled workers in the agricultural sector. The employed labour force is composed mainly of immigrants and is almost entirely made up of unskilled and seasonal staff.
Description of the action	The goal of the action was to promote the social and financial conditions of integration for economic immigrants, who face more obstacles to access the labour market. Through the training, women economic immigrants acquired knowledge that will help them to improve their employability.
Results	After training, three women beneficiaries were hired full time for a period of 10 months in the Women's Agricultural Association "THE KASTRI" in Syros. This program has benefited both the women who participated in it, and the members of the Association. On the one hand, the association gained a skilled workforce that responded well to the needs of the job and on the other hand, these women gained job experience which will help them to smoothly integrate into the local community.
Impact	The contact that the female members of the partnership had with foreign women of the program helped both sides to understand that beyond ethnicity, all of them share the same concerns, the same problems and the same joys as women and mothers. This fact helped eliminate racial prejudice and their employment in the cooperative to become a best practice in economic and social integration. In addition, immigrant women living in the countryside could become new members of the women's cooperatives.
Contact details	Tel./fax: 2310-998815 e-mail: papklavd@auth.gr
References	http://epeap.florina.teikoz.gr/IMMIGRANTS/temp.htm EKKE, 2010, "Research for Good Practices in Greece and other EU countries concerning migrant women in the labour market", (in Greek) found at: http://www.ekka.org.gr/ereuna.pdf ,

Title of the good practice	COMMEDIA.NET - Network for Development and Promotion of Community Media in Greece
Implementing Organization	<p>Development Partnership ComMedia.Net. (Non-profit organization). Project Coordinator: Dimitra Institution of Training and Development S.A. The project was funded 75% by the European Social Fund and 25% by the Hellenic Ministry of Employment and Social Protection in the framework of Community Initiative EQUAL.</p> <p>Address: Palaiologou 19, 412 23, Larissa Phone Number: 2410 554024, Fax: 2410-554028 E-mail: equal@dimitra.gr, Web Site: www.dimitra.gr Contact Person: Petrou George</p>
Actors involved	<p>The Development Partnership ComMedia.Net consists of the following organizations: Greek Radio Television 3 S.A., Innovative Arsis Social Organization For Youth, Athena 9.84 Fm Municipal Radio, Bee Group S.A. Information Technologies – Consulting, Center For Vocational Training In Management And New Technologies, Development Systems Ltd, Ministry Of Interior, Public Administration and Decentralization, Journalists' Union Of Macedonia And Thrace Daily Newspapers, Municipal Organization For Information And Communication Of Thessaloniki , Municipality Of Athens - Development Agency S.A., Municipality Of Thessaloniki, The Albanians Association Of Thessaloniki</p>
Background	<p>Ethnic minority groups have congregated in big cities experiencing various forms of social exclusion. They often experience unfair confrontation from the Media and sometimes the wording or the commentary that is used is essentially racist and stereotyped. The minorities and immigrant groups are under-represented in the Media Industry and they lack familiarization with new technologies to seek media professions and acquire adequate Media channels for information and entertainment among their communities.</p>
Description of the action	<p>The COMMEDIA.NET project aims at fighting discrimination against those groups, which are socially excluded, in the following areas:</p> <p>The Media, as workplaces, creating on the one hand those pre-conditions that will lead to the development, organization and operation of the multicultural media and the active participation of people coming from the target groups and on the other hand the professional expertise of those people in the Media industry. The Media, as a way to promote and develop new ideas and culture through the production and transmission of multicultural programs.</p>

	<p>The Media, as a way to form and influence public opinion to fight stereotypes and different forms of discrimination.</p> <p>The project was implemented in the period 2005-2007 and consisted of 26 activities in total, the main being:</p> <p>Investigation of attitudes and opinions in relation to the operation of Community Media</p> <p>Investigation of the needs and requirements of the potential users of Community Media Centres (CMC)</p> <p>Creation of Community Media Centres in Athens and in Thessaloniki by arranging for their equipment, organization and day to day operation.</p> <p>Establishing a broadcasting system of Community Media and networking between CMCs</p> <p>Vocational training in the Media professions, for members of ethnic minority groups, in both Athens and Thessaloniki</p> <p>Production and Transmission of Multicultural audiovisual productions</p>
Results	<p>Empowerment/inclusion of 24 persons who were trained, 10 of which were employed in the two CMCs and in two radio stations broadcasting daily (corresponding to more than 4000h of broadcasting).</p> <p>Moreover, 500 volunteers/visitors were involved in the project up to July 2008, they were trained and represent a snow- ball effect to raise awareness of the Community media, back in their ethnic communities.</p>
Impact	<p>Sensitization of the Journalists' network in promoting Diversity in the media. Promotion of successful pilot cases of CM. Establishment of 22 schools visited CM- sensitization campaign and Media Literature Fighting Negative Stereotypes Policy briefs</p>
Contact details	<p>Development Partnership: Network for Development and Promotion of Community Media in Greece (Equal ComMedia.Net) c/o DIMITRA Ltd</p> <p>Palaiologou 19, P.C. 41223, Larissa, Greece +30 2410 554024 +30 2410 554028 equal@dimitra.gr</p>
References	<p>http://www.commedia.net.gr/default.en.asp</p> <p>EKKE, 2010, "Research for Good Practices in Greece and other EU countries concerning migrant women in the labour market", (in Greek) found at:</p> <p>http://www.ekka.org/ereuna.pdf</p>

Title of the good practice	Education of the Muslim Minority Children in Thrace
Implementing Organization	National and Kapodistrian University of Athens
Actors involved	Aristotle University of Thessaloniki Financed by the Ministry of Education and the European Union
Background	<p>“The Program for the Education of Minority Children in Thrace 2010-2013” constitutes the fourth phase of an intervention which begun in 1997. In the previous phases its title was “Program for the Education of Muslim Children” (PEM). Most Minority parents choose to send their children to ‘Minority primary schools’, i.e., schools only for Minority pupils with a special status regulated by the 1923 Treaty of Lausanne and bilateral agreements between Greece and Turkey. The project’s main goal was to improve the Greek-language program of these Minority schools. A large percentage of pupils of these schools, about 7,000 children between the ages of 6 to 12, begin first grade with no knowledge of Greek at all. Before the Program began its systematic intervention to Minority education, Minority schools used the educational material used in all the other schools of the country and written for native Greek speakers. They were, therefore, totally inappropriate and of little use for children most of whom are native Turkish speakers. The Greek language (and other subjects) could not be taught effectively with these books to children who knew little Greek or none at all.</p>
Description of the action	<p>The Program for the Education of Minority Children has the following basic goals:</p> <ul style="list-style-type: none"> Integrating Minority children smoothly into the Greek society through the educational system Improving and enhancing the education they receive, with emphasis on their achieving fluency in Greek, which would help them in their future integration into the workforce under better conditions. Making sure that the ethnic identity of the minority children is respected equally by the educational personnel and the majority population Providing the educators both with special knowledge and with appropriate and cutting-edge educational material. Supporting the families so that they could help children improve their performance at school.

	<p>Enhancing the education of Minority children, and offering equal educational opportunities for their integration into the society as first-class citizens of Greece and the European Union, does not only concern the Minority, but it contributes more generally to the progress of Thrace and the entire Greek society as well. In this framework, the establishment of the KESPESMs (the Support Centres of the Program) turned out to be the most important innovation of the Program. The main goal of the KESPESMs is to help the Minority population break its isolation, which is the main reason why this group of people has been socially marginalized. KESPESMs are staffed with members of the Minority and the Majority, and organize and develop educational and creative activities parallel to the school. Their activities are intended first and foremost for pupils and parents of the Minority, although they also pursue active cooperation and communication with members of the Majority.</p>
Results	<p>The programme today includes actions and interventions: a) within school, b) outside school, and c) research and studies to document and verify the educational changes</p> <p>The first two basic axes of the project, i.e., the educational intervention within and outside school, are closely connected and are expected to promote in common the goals of enhancing minority children's command of the Greek language, improving their school performance, and eliminating the phenomenon of early dropping out from compulsory education.</p> <p>In addition, KESPESMs have gained the confidence of the parents and are having an almost spectacular success with the children, both of primary and secondary (middle) schools. The KESPESMs play a decisive role in the pursuit of the basic educational targets of PEM, in the increase of the hours Minority children are exposed to the Greek language, in the improvement of these children's fluency and competence in Greek and their performance at school.</p>
Impact	<p>During the school year 2010-2011 the number of participants were: 924 students of primary education who were taught by 75 teachers and 1535 students of secondary education who were taught by 227 teachers.</p>
Contact details	<p>Program for the Education of Muslim Children Address: Ippokratous Street 35 (5th floor), 10608, Athens, Greece. E-mail: museduc@ecd.uoa.gr Phone: 210-3688508, Fax: 210-3688506 Scientific Director of the Program: Anna Frangoudaki, Emeritus Professor of Sociology of Education, University of Athens. KESPESM Komotini Address: Nik. Zoidi 85, tel: 25310-80393</p>

	KESPEM Xanthi Address: Georgiou Stavrou 14-16, tel: 25410-84415
References	www.museduc.gr www.kleidiakaiaantikleidia.net

4.1.1.2 Discrimination on the ground of disability

Title of the good practice	Coco Mat's Policy on Sustainable Development
Implementing Organization	Coco Mat Company
Actors involved	Coco Mat is a sleeping products company, using exclusively natural materials for its products. It is one of the leading mattress manufactures in Europe with stores in many EU countries, as well as the USA, Saudi Arabia and Canada.
Background	Coco Mat's policy is based on the principle of sustainable developments and built upon four axes: Natural products of high quality Customer first policy Employee satisfaction Social Contribution
Description of the action	Within the above framework, Coco Mat focuses on offering equal opportunities to all employees. Its personnel consists of thirteen nationalities and nine religions, as well as of persons with disabilities. Among the foreign workers are refugees from Eastern European countries, such as Russia.
Results	54% and 12% of Coco Mat's personnel respectively involves refugees and persons with disabilities Coco Mat has won numerous awards for its policy, such as the European Corporate Responsibility Award (2009), the Corporate Social Responsibility Award for HR/Equal Opportunities by the Greek Advertisers' Association (2010), the "Entrepreneurial Excellence Award" of the Ministry of Development of Greece (2007), the "Human Resource Prize" of KPMG (2006) and several others ¹
Impact	Coco Mat's human resource policy can serve as a role model for other companies in Greece, since the country lacks of a workplace diversity accommodation culture. Coco Mat's policy can be used as a tool for: Governmental policy design (a success story of non-discrimination mainstreaming which can be implemented in public services)

	Diversity accommodation policies in companies Disabled persons and refugee organisations, in campaigns for the benefits of employing persons from at-risk of discrimination groups.
Contact details	
References	http://www.coco-mat.com/web/en/node

Title of the good practice	Activists and Advocates - Disability Rights Training Programme (AAD RTP)
Implementing Organization	National Confederation of Disabled Persons (ESAmE)
Actors involved	Greece: National Confederation of the Disabled People of Greece Bulgaria: National Council of People with Disabilities in Bulgaria (NCPDB) Cyprus: Cyprus Confederation of Organisations of the Disabled (CCOD) Denmark: Disabled Peoples Organizations Denmark (DPOD) Estonia: The Estonian Chamber of Disabled People (EPIK) Finland: Finnish Disability Forum (FDF) France: French Council of Disabled People for European Affairs (CFHE) Hungary: National Council of Federations of People with Disabilities (FESZT) Romania: National Disability Council (CNDR) Slovakia: Slovak Disability Council (NROZP) Slovenia: Slovene National Council of Disabled People's Organisations (NSIOS) Spain: Comité Español de Representantes de Personas con Discapacidad (CERMI) Institute for trans-national legal research of the faculty of law of the University of Maastricht (METRO, Netherlands) The European Disability Forum
Background	Despite the important legal developments (such as Article 13 of the Amsterdam Treaty and the Employment Directive), disabled persons are still not aware of their rights. Moreover, the effective implementation of the Employment Directive rests with the national courts. Therefore, there is a need to train disability advocates in member-states on legal developments to enable them to promote disability rights.

Description of the action	<p>The project involved training of disability advocates and activists in a number of EU member-states, as well as Iceland and Norway and with a focus on Bulgaria and Romania. Training packages focused on three areas:</p> <ul style="list-style-type: none"> EU Legislation (mainly the Employment Directive 2000/78/EC) Member-state's legal framework (constitutional provisions and national laws on disability) International Conventions <p>The project involved the implementation of both national and European level seminars on disability rights, the establishment of an international advisory legal team of experts, as well as national action groups which gather legal information on national court cases and international legal amendments on disability. The goal is to create strong activists' and advocates' networks in order to combat disability discrimination and promote equal opportunities for disabled persons.</p> <p>Project Duration: 2004-2006</p>
Results (immediate outcomes)	<p>Design and provision of effective training and information material to be used for national and local training actions and information campaigns</p> <p>Dissemination of information on disability rights</p> <p>Exchange of good practices between countries with different traditions of disability policy</p> <p>Promotion of dialogue and networking between disability activists and advocates</p>
Impact (longer-term outcomes)	<p>Strengthening of the role disability activists and advocates play in the promotion of disability rights.</p> <p>Increased awareness by disabled persons themselves on their rights under national, EU and international legislation</p>
Contact details (name, organization, website)	<p>National Confederation of Disabled Persons 236, El. Venizelou str, Ilioulopi, Athens, 16341 Tel : +30 210 9949837</p>
References	<p>National Confederation of Disabled Persons http://www.esaea.gr/index.php?module=home&thms=0 (in Greek only) European Disability Forum http://www.edf-feph.org/</p>

4.1.1.3. Discrimination on the ground of age

Title of the good practice	Empeiria ("Experience")
Implementing Organization	Development Partnership EMPEIRIA consisting of the following organisations: Economic and Social Council of Greece, "Akmon" Professional Training Center, Center for the development of Hellenic Commerce, Federation of Greek Industries, Foundation for Economic and Industrial Research, General Confederation of Greek Agrarian Associations, General Confederation of SME Sized Businesses, Craftsmen -Traders of Greece Non-profit making organisation
Actors involved	INE-GSEE Trade Union's Confederation (INE/GSEE) and the general confederation of Small-and-Medium Sized Businesses, Craftsmen-Traders of Greece (GSEVEE), Hellenic Network for Corporate Social Responsibility, National Confederation of Hellenic Commerce, Prof. Training Center of General Conf.of SME Sized Businesses-Craftsmen-Traders, University of Athens, Department of Law, Laboratory of Social Security, Zoe Vadratsika - Co. Limited Partnership
Background	The problem of early retirement is high on the political agenda in Greece - only 40% of those aged 55 to 64 are employed. Moreover, Greece, as many other European countries, faces restructuring in specific sectors which again, hits particularly older workers and creates a need for continuous training and adaptation to technological changes. The challenge facing Greece is to design a concrete and clear approach for future action - an 'active ageing vision' - which all actors, and especially the social partners, can sign up to.
Description of the action	The scope of the project was to explore innovative practical measures and suggest institutional measures that will contribute to an integrated approach of the active ageing problem, namely supporting and maintaining an older working population in Greece, with the participation of the most representative social partners and by activating social dialogue procedures.
Results	A booklet was designed for Greek employers, HR managers and line managers which sets out some of the most commonly found myths and stereotypes that exist for older workers. Mentoring for management and promotion of active ageing, in enterprises in all three economic sectors.

Impact	<p>The main impact of the project was that for the first time in Greece an integrated approach has been developed towards the issue of active ageing for all sectors of the economy. Another noticeable achievement was that for the first time in Greece, employer organizations and trade unions sat at a table together and engaged in an open social dialogue about the important issue of active ageing. It should be reminded that among the partners were the INE-GSEE Trade Union's Confederation (INE/GSEE) and the General Confederation of Small-and-Medium Sized Businesses, Craftsmen-Traders of Greece (GSEVEE). Finally, the project has led to the creation of a central 'observatory' for active ageing issues in Athens, accompanied by a network of 'antennas' which cover the whole of Greece and therefore ensure that all regions are covered. The great advantage of both the observatory and its antennas is that all information and products developed can then be easily accessed by, and disseminated to, all cities in Greece. The observatory is still active today, operating under the auspices of the Economic and Social Council of Greece.</p>
Contact details	<p>Apostolos Xyraphis Project Manager Economic and Social Council of Greece: 9, Amvr. Frantzi Street 117 43 Athens Greece Tel: +30 210 9249510/12 E-mail: fin@oke.esc.eu Website: www.oke-esc.eu</p>
References	<p>http://www.empeiria-dp.gr/dpproject.html</p>

Title of the good practice	Ploigos ("Navigator")
Implementing Organization	Navigator Development Partnership: Syros Shipbuilding - Industrial Enterprises SA, Aegean LTD - technical - financial consultants, Development company of Cyclades SA, Elefsis Shipbuilding - Industrial Enterprises SA, Elefsis shipyards workers' union, National Technical University Athens - Faculty of Naval Engineering
Actors involved	Syros Shipbuilding - Industrial Enterprises SA, Aegean LTD - technical - financial consultants, Development company of Cyclades SA, Elefsis Shipbuilding - Industrial Enterprises SA, Elefsis shipyards workers' union, National Technical University Athens - Faculty of Naval engineering
Background	The main aim of the project was the Management of Change in the shipbuilding sector through workers' and companies' learning, that is through the introduction of collaborative attitudes for work demands, to enable the workforce to adapt to the expected changes, improve continuously its capabilities and actively participate in the production process.
Description of the action	Improving the companies' culture and working behaviour through seeking the most effective way and means of changing inhibiting parameters. Upgrading workers cognitive perceptions and skills to improve their adaptation capacity to the changing demands.
Results	The project developed "Training for Change Management" which involved targeted interventions to inform/train workers aiming at upgrading their skills and competences as well as improving their adaptation through «horizontal» thematic units, that is thematic fields independent of skill or working post, such as: quality control and quality assurance, health and safety, communication management, group management, etc. The project also developed and implemented a management system of formal and informal knowledge of shipyards. The methodology is mainly based on utilizing aged work force in new roles, such as "knowledge workers" or "facilitators". The project also created a Workforce Support and Adaptation Centre in Syros offering targeted counseling, work reorientation and promotion to employment for older staff member, workers at risk of losing their job, newcomers and extra workers.

Impact	<p>The main impact of the project was:</p> <ul style="list-style-type: none"> -Improvement of companies' culture and working behaviour of employees through seeking the most effective way and tools for changing deterrent parameters. -Upgrading workers' knowledge, beliefs, qualifications and competences to facilitate adaptation. -Improvement of communication mechanisms in the internal environment of companies. -Effective management of formal knowledge and recording tacit knowledge in a manageable and transferrable way with a parallel development of the ageing workforce in new working roles. -Improvement of procedures quality and performance, organization and Human Resources. -Supporting Human Resources by promoting mobility, active participation and intervention of social actors. These changes are considered critical for the viability of the Shipbuilding sector and for safeguarding employment.
Contact details	<p>Ms. Konstantou Ioanna (DP manager) Ermoupoli, Syros Tel: +30 2281082555, E-mail: neorkek@otenet.gr</p>
References	<p>http://www.ploigos-equal.net/index.php?option=com_content&task=view&id=76&Itemid=43</p>

4.1.1.4. Discrimination on the ground of religion

No relevant good practices have been identified in Greece in this area of anti-discrimination.

4.1.1.5. Discrimination on the ground of sexual orientation

Title of the good practice	Athens Gay Pride- Festival of Pride.
Implementing Organization	Non-profit organization-"Pride of Athens - Athens Pride". Athens, Klathmonos Square, Metro Panepistimio
Actors involved	Gay Liberation Movement (Greece), Initiative Group Gay (Thessaliniki), Colour Youth, LOA(Lesbian Organisation of Athens, Homosexual - Lesbian Community of Greece (OLKE), Supportive Club of Trans-Gender(SYD)

Background	Greece has not adopted many of the laws, provisions and basic rights that gay people enjoy in most developed countries of Western Europe and LGBT issues is a particularly rare subject of public debate. Athens Pride was held for the first time in Greece in 2005 with the resolution of legal protection for homosexuals at the workplace. (Law 3304/2005, which prohibits any discrimination based on sexual orientation at the workplace.) Even the Universal Declaration of Human Rights provides in Article 7 that "everyone is equal vis-a-vis of the law and is entitled to equal protection of the law without any distinction."
Description of the action	Athens Pride is the anniversary of a real revolution - the Movement for Gay Liberation. Today the Festival Pride Parades have been transformed to celebrate lesbian, gay, bisexual and transsexual (LGBT) diversity. Along with the festive nature, these events constitute a springboard for the promotion and the claim of LGBT (Lesbian, Gay, Bisexual, and Transgender) rights. The parade maintains its political and activist nature. Even the most festive parades usually devote a significant part in remembering victims of AIDS and homophobic violence. The Duration of the Festival is 1 day.
Results	Athens Pride has managed to secure the broad participation of many politicians and officials- from various humanitarian and social organizations. The participation of non-LGBT-organizations has turned Athens Pride to almost a formal protest against discrimination. The Athens Pride has succeeded in disseminating information to the wider society on the issues of discrimination and racism against LGBT people. Athens Pride allows gays to assert some rights-which have been deprived from them- either through a series of events or through voluntary programs. Every year there is increasing participation. (For example, in 2009 the number of participants was 5000).
Impact	In the long-term, the Athens Gay Pride is expected to have a positive effect on the LGBT community but also on society as a whole. It constitutes a means which aims at counteracting the negative stereotypes in which LGBT people are trapped.
Contact details	http://www.athenspride.eu/v2/
References	http://www.athenspride.eu/v2/ http://www.transgender-association.gr/

4.2. Anti-discrimination policies in Europe and elsewhere¹¹¹

This chapter summarizes the main developments on anti-discrimination policies, as well as the main governance issues in the EU countries- besides Greece. It presents a brief overview in both topics aiming to introduce the reader to the state of play of anti-discrimination policy.

Austria

Community Anti-Discrimination Directives 2000/78/EC and 2000/43/EC were incorporated in the Austrian legislative system by extending the existing legal framework for gender equality to include the grounds of race, sexual orientation, age and religion or belief. Thus, the administrative competence of the existing equality bodies (Equal Treatment Commission and Ombudsman for Equal Treatment) was extended to cover the aforementioned grounds, in order to implement anti-discrimination legislation. Discrimination in the field of disability is covered by discrete legislation. Austria does not have a comprehensive anti-discrimination strategy covering a nation-wide spectrum, but several initiatives are implemented at the federal and provincial level by a number of different actors.

More information on:

Ombudsman for Equal Treatment

<http://www.gleichbehandlungsanwaltschaft.at/site/6427/Default.aspx>

Federal Ministry of Labour, Social Affairs and Consumer Protection

<http://www.bmsk.gv.at/cms/siteEN/>

¹¹¹ This Chapter is based on the 1st National Reports (NR1- April 2009) of the Network of Socio-Economic Experts in the Anti-Discrimination field (SEN Network).

Belgium

Among the main actors in the field of non-discrimination and equal opportunities in Belgium is the Centre for Equal Opportunities and Opposition to Racism and the Institute for the Equality between women and men. The former files complaints on discriminative behaviour, offers legal advice and legal support when needed, together with information and awareness raising on discrimination issues. Its impact on the public debate is intensified by its presence in the media. The latter works on the promotion of equality between men and women in all aspects of everyday life. Belgium is a federal country and thus anti-discrimination policies are implemented at both the federal and regional levels. Trade unions and other labour market actors also participate in the design of the overall anti-discrimination strategy, while the implementation of anti-discrimination policies is supported by a large number of civil society organizations.

More information on:

Centre for Equal Opportunities and Opposition to Racism

<http://www.diversiteit.be>

Bulgaria

The most prominent anti-discrimination body in Bulgaria is the “Commission for Protection against Discrimination”. However, its scope of action needs to be extended as it is mainly involved with discrete discrimination cases instead of monitoring the impact of non-discrimination policies and legislative initiatives on the target groups. This, however, is connected with an overall attitude in Bulgaria which sees the state as the main “defender” against all kinds of discriminative behaviour, despite the presence of a number of NGOs active in the field of anti-discrimination. Hence, in order to improve policy implementation in Bulgaria, there is a need for extended coordination between government bodies responsible for an-

ti-discrimination policies and NGOs working with groups who face the risk of discrimination. Moreover, awareness raising campaigns are needed, as well as the provision of training to civil servants on dealing with groups at risk of discrimination.

More information on:

Ministry of Labour and Social Policy

<http://www.mlsp.government.bg/en/index.htm>

Cyprus

Cyprus has a centralised institutional framework on anti-discrimination at a national, ministerial level which does not work very effectively. As a matter of fact, not a single case has been taken to the Courts, suggesting that groups at-risk of discrimination are marginalised. Their unfavourable position is worsened by a conservative Greek-Cypriot society which does not interact with these groups. There is a great need for the delegation of anti-discrimination competences to the local level and a distribution of powers towards NGOs dealing with groups at-risk of discrimination as they can better respond to their needs. The needs of these groups should also be taken into account when designing anti-discrimination policies in Cyprus. However, the fact that formulation and implementation of anti-discrimination policies has only began in 2004, when the country joined the EU, needs to be taken into account.

More information on:

The Office of the Commissioner on Administration (Ombudsman)

http://www.ombudsman.gov.cy/Ombudsman/ombudsman.nsf/index_en/index_en

Czech Republic

The Czech Republic has not incorporated EU anti-discrimination Directives into national legislation and the government has failed

twice in passing through the Anti Discrimination Act. As result, the Czech Republic lacks of an Equality Body and the level of protection offered to groups at risk of discrimination is lower compared to other EU member-states. Anti- discrimination competences such as initiating legal investigations upon cases, issuing recommendations, publishing reports etc, are entrusted to the Ombudsman. Moreover, advisory bodies to the state do exist, in order to facilitate cooperation among the latter and civil society organizations. A recent, important policy development was the establishment of the Agency for Social Inclusion in the Socially Excluded Roma Localities. Finally, the application of positive measures only covers the area of employment.

More information on:

The Public Defender of Rights- Ombudsman

<http://www.ochrance.cz/en/>

Germany

Germany incorporated Anti-discrimination Directives into national legislation with the adoption of the General Equal Treatment Act in 2006. In the same year, the Federal Anti- discrimination Office was established, offering information and advisory support when discriminative behaviour is reported. However, more power should be attributed to the Office in order to enable it to provide investigative support to anti-discrimination complaints, together with extended infrastructure at the local level. The Länders also have their own equality framework (action plans etc.), while the presence of social partners and civil society organisations in the field of anti-discrimination is prominent. At the federal level, the only NGO which covers all fields of discrimination is the Anti-Discrimination Association Germany, but a number of high profile NGOs cover specific groups at-risk of discrimination such as migrants, LGBT persons, older persons etc. Some of them act as umbrella organisations, bringing together various NGOs active at the local level.

More information on:

Federal Anti-Discrimination Agency

<http://www.antidiskriminierungsstelle.de/EN/Home/home>

Denmark

In order to combat discrimination, Denmark has established institutions such as The Board for Equal Treatment and The Danish Centre for International Studies and Human Rights. The Board's impact on anti-discrimination is undermined by the fact that it cannot take the initiative to investigate discrimination cases and can only investigate cases brought to it upon a complaint regarding discriminative behaviour. On the contrary, the Centre for International Studies and Human Rights, can investigate such cases at its own initiative, together with issuing recommendations and publishing reports. The Centre deals with all groups at-risk of discrimination, but specialises on discrimination in the field of race or ethnic origin. Other bodies dealing with at-risk groups also exist, established by national decisions and financed to some degree by the state, such as the Danish Disability Council and the Senior Citizens' Association. However, their area of competence should be extended in order to enhance their impact on the fight against discrimination.

More information on:

Board of Equal Treatment

<http://www.ligebehandlingsnaevnet.dk/artikler/default>.

Estonia

In January 2007, the Ministry of Social Affairs became the main anti-discrimination body in the country, since the previous body responsible for anti-discrimination and equal opportunities, The Chancellor of Justice, having a range of other responsibilities, did not cover all fields of discrimination, nor prioritised issues as such.

The incorporation of EU anti-discrimination directives in national legislation was completed in late 2008 with the adoption of the Law on Equal Treatment. A new specialised body was established, the Commissioner for Gender Equality. However, its competences were broadened to include other fields of discrimination as well. Discussions on the adopted legislation have also begun and a modest awareness raising campaign was initiated in early 2009.

More information on:

The Chancellor on Justice:

<http://www.oiguskantsler.ec/?lang=eng>

Spain

In general, tolerance and acceptance of diversity has increased in Spain and Spanish society has become more open minded. Measures to combat discrimination have been extended, however not reaching the standards of other European countries. Nevertheless, the country has been severely struck by the current economic crisis and the unemployment rate has escalated to exceed 20%. This especially affected at-risk of discrimination groups, in particular immigrants, Roma, people with disabilities and young unskilled persons. Between 2004 and 2009 certain laws have been adopted, addressing the above groups individually and consultative bodies and councils have been established. The goal was the improvement of coordination between the NGOs and different levels of governance (national and regional governments), as well as various governmental departments. Moreover, in early 2008 Spain established the Ministry of Equality with the aspiration to pass a comprehensive law to cover all fields of discrimination and set up an independent body to promote equal opportunities.

More information on:

Ministry of Equality

[http://www.migualdad.es/ss/Satellite?pagename=MinisterioIgu
aldad/Page/MIGU_home&language=en_GB](http://www.migualdad.es/ss/Satellite?pagename=MinisterioIgu
aldad/Page/MIGU_home&language=en_GB)

The Defensor del Pueblo

<http://www.defensordelpueblo.es/en/index.html>

Finland

In 2004 Finland adopted a “Non- Discrimination Act”, which covers all potential fields of discrimination. Gender discrimination is covered by the “Act on Equality between Women and Men”, its adoption dating back in 1986. The implementation of the Non-Discrimination Act is monitored by a range of equality bodies. However, no equality body covers the field of sexual orientation. Moreover, the Act demands that all public authorities draft a non-discrimination plan, addressing the issue of discrimination horizontally. The parliamentary debate on the amendment of the Act in 2008 focused on finding ways to address multiple discrimination and develop legal instruments guaranteeing equal treatment in all grounds, since anti-discrimination monitoring varies among different grounds, producing inequalities. The adoption of the first governmental immigration policy programme in 2006, which draws attention on equal treatment of all non- Finnish persons, is also considered among important policy developments.

More information on:

Ombudsman for Minorities

<http://www.ofm.fi/intermin/vvt/home.nsf/pages/index3>

France

France has a fragmented institutional system on anti-discrimination policy, characterised by a number of relevant actors and the implementation of increased anti-discrimination initiatives in the past. Yet, these initiatives are mainly incoherent and spatial. As a

consequence, large private companies draw more attention on diversity practices compared to public institutions. Since 2000, the country's legislative framework on anti-discrimination has been strengthened, partly due to the influence and demands of the EU Anti-Discrimination Directives. Nevertheless, the anti-discrimination monitoring system is considered quite loose, since "HALDE, *la Haute autorité de lutte contre les discriminations et pour égalité*", the main institution dealing with anti-discrimination has a modest budget, no decision making powers and cannot impose sanctions. HALDE mainly provides services to discrimination victims, such as undertaking a case with the victim's consent, carries out research and publishes studies.

More information on:

HALDE, *la Haute autorité de lutte contre les discriminations et pour égalité*

http://www.halde.fr/About-the-HALDE,12365.html?page=article_en

Hungary

The political and institutional framework on anti-discrimination and equal opportunities in Hungary has been established in the period following the political transition of 1989-1990. The Equal Treatment Authority not only offers legal assistance to discrimination victims, but can also carry out investigation upon cases *ex officio*. In 2006, the Equal Opportunity Secretariat was established at the Ministry of Labour and Social Affairs, covering many at-risk of discrimination groups. Regarding anti-discrimination legislation, the institution responsible is the Ministry of Justice and Law Enforcement. The Ministry has been operating the "Roma Anti Discrimination Customer Service Network", offering free legal advice to Roma victims of discriminative behaviour. The Committee

against Social Exclusion and the Intergovernmental Committee for Roma Affairs are entrusted with the coordination of different governmental departments responsible for anti-discrimination. Finally, Hungarian legislation has included socially deprived people (e.g. suffering from extreme poverty) among the protected grounds of discrimination, which eases national policy makers' work on targeting this group and avoids conflicts between them and the Roma, arising as a result of policies targeting solely the latter.

More information on:

Equal Treatment Authority

<http://www.egyenlobanasmod.hu/index.php?lang=en>

Ireland

The Employment Equality Act 1998, the Equal Status Act 2000 and the 2004 & 2007 Equality Acts constitute Ireland's anti-discrimination legislative framework. These Acts cover nine grounds of discrimination, *i.e. age, disability, family status, gender, marital status, race/ethnicity/nationality, religious belief, sexual orientation and member of the Traveler Community*, going beyond EU Anti-discrimination Directives. The main policy tool for anti-discrimination is the National Action Plan for Inclusion 2007-2016. A recent important policy development is the establishment of the Employment Rights Agency, together with the campaign on employment rights. However, the severe economic downturn that Ireland faces has had an impact on anti-discrimination policies as well. Severe cutbacks on equality governmental infrastructure were introduced in the 2009 Budget and fears are expressed that this is only the beginning of a cutbacks trend in the country.

More information on:

The Equality Authority

<http://www.equality.ie/>

The Equality Tribunal
<http://www.equalitytribunal.ie/>

Italy

In line with EU anti-discrimination demands, Italy has established a number of institutions, complementary to the work of the already existing UNAR, the National Office for Racial Discrimination. Among these institutions are the Commission for LGBT and the Commission for Disabled persons. Nevertheless, the rights of LGBT people are downplayed, since the new anti-discrimination legal instruments, adopted in 2008, do not apply to this group. Yet, these instruments constitute an important legal step forward on anti-discrimination because of the shift of the burden of proof from the victim to the victimizer and the decrease in the time and cost of legal procedures. However, since 2009 the Berlusconi government has promoted stricter migration laws, as a response to the climate of fear against immigrants. The UNAR call centre may have not recorded an increase in the number of calls reporting discriminatory practices, however, this could be the effect of financial and cultural difficulties that minorities face with the legislation. Finally, the UNAR calls for the establishment of a National Anti-Discrimination Office to cover all fields of discrimination and coordinate actions between the different competent institutions.

More information on:

Department for Equal Opportunities
<http://www.pariopportunita.gov.it/> (in Italian)

Lithuania

The Lithuanian legislative framework on anti-discrimination consists of two main statutory regulations, i.e. the Law on Equal Opportunities for Women and Men, prohibiting discrimination on

the grounds of gender and the Law on Equal Treatment covering all other fields of discrimination. The National Anti-Discrimination Programme constitutes the main tool in anti-discrimination policy making. As a matter of fact, compared to the previous programme 2006-2008, the 2009-2011 programme provides more financial support to NGOs which implement anti-discrimination actions. This may also be a response to the increased intolerance of the Lithuanian society since, apart from an increase in reported discrimination, surveys show a negative attitude towards diversity (e.g. LGBT persons, Roma, or people from minority religious groups).

More information on:

Seimas of the Republic of Lithuania

http://www3.lrs.lt/pls/inter/w2008_home.home?p_kalb_id=2

Luxembourg

Until 2008 Luxembourg had experienced 20 years of consecutive economic growth. This partly explains the few conflicts between at-risk of discrimination population groups. Moreover, Luxembourg nationals represent as little as one third of the labour force in the country, the rest being cross border and foreign residents. Hence, the perception of actual discrimination is lower than the EU average and awareness on anti-discrimination legislation is low. Regarding the governance of anti-discrimination policy, it is managed by the Ministry of Family and Integration which works together with the recently established Centre for Equal Treatment. As to legislation, the “Reception and Integration of Foreigners Act”, adopted in late 2008, includes a section on the fight against discrimination.

More information on:

OLAI- Office Luxembourgeois de l' Accueil et de l' Integration

<http://www.olai.public.lu/fr/index.html> (in French)

Latvia

In Latvia, policy initiatives regarding anti-discrimination are fragmented and the issue is not addressed comprehensively, since responsibility is divided among several ministries. Independent monitoring on the implementation of anti-discrimination policy is exercised by the Constitutional Court and the Ombudsman. In Latvia, more attention has been paid to employment compared to other areas of discrimination such as housing, health, education etc. and, hence, the Employment Directive is more fully implemented compared to the Race Equality Directive. The most worrying aspect of Latvian anti-discrimination policy is the decline in both political support and budget for anti-discrimination activities over the past years. Fears are expressed that cuts may become sharper as Latvia experiences a fall of GDP, as a result of the economic crisis.

More information on:

Ombudsman

<http://www.tiesibsargs.lv/eng/>

Malta

In Malta, the main governmental agencies involved in the governance of anti-discrimination policies are the National Commission for the Promotion of Equality and the National Commission for Persons with Disability. Nevertheless, anti-discrimination and equal opportunities in Malta are more an issue of legislation than policy. Moreover, there are grounds of discrimination not covered by an equality body, such as sexual orientation and age and, thus, people discriminated against in these areas heavily rely on NGOs for assistance. Meanwhile, NGOs' work in Malta is fragmented, as they work on specific grounds of discrimination or with individual vulnerable population groups. Finally, the traditional values prevailing in the Maltese society, strongly influenced by the Roman

Catholic Church, may work to the benefit of some disadvantaged groups at-risk of discrimination, but not in favour of others such as LGBT persons.

More information on:

Ministry for Education, Employment and Family- Social Policy
<https://secure2.gov.mt/SocialPolicy/SocProt/default.aspx>

The Netherlands

The Netherlands has a comprehensive institutional framework on anti-discrimination, which includes both central and local government actors, as well as NGOs. Hence, a victim of discriminatory behaviour can either make use of legal instruments (criminal and civil law) or make a complaint to the Equal Treatment Commission. Furthermore, the Netherlands is expected to put into effect the Act on Municipal Anti-Discrimination Facilities which will call for all municipalities to establish an independent anti-discrimination facility. Policy-wise, the fight against discrimination is considered a governmental priority and in early 2008 an Action Plan against Discrimination in the Labour Market was drafted, mainly focused on race discrimination. Moreover, the Act on Equal Treatment on the Grounds of Disability and Chronic Illness is expected to be revised to cover housing, together with primary and secondary education as well.

More information on:

Equal Treatment Commission
<http://www.cgb.nl/english>

Poland

Anti-discrimination governance in Poland is split between the Chancellery of the Prime Minister, the Ministry of Labour and Social Policy and the Ministry of Interior and Administration, since there is no comprehensive anti-discrimination strategy in the coun-

try. Two independent institutions are also involved in the governance of anti-discrimination, the National Labour Inspectorate and the Ombudsman. Currently, anti-discrimination policy in Poland focuses on the one hand on the establishment of a legal framework transposing EU Directives into national legislation and assigning the institutions which will act as Equality Bodies, and on the other hand, on the implementation of action programmes targeting at-risk groups such as Roma, persons over 45 years old and persons with disabilities.

More information on:

Ministry of Labour and Social Policy

<http://www.mpips.gov.pl/index.php?gid=381>

Ministry of Interior and Administration

<http://www.mswia.gov.pl/portal/en>

Chancellery of the Prime Minister

<http://www.premier.gov.pl/en/>

Romania

The Romanian Equality Body is the National Council for Combating Discrimination, covering all grounds of discriminations. The body has been given the necessary independence in 2006 when it came under parliamentary control instead of governmental custody. Since then, its interventions in the area of discrimination have increased. However, the Body's independence should be further safeguarded with the appointment of its steering committee members on the basis of competency and know-how rather than political affiliation to the governing party. The Body also faces operational impediments such as a sharp budgetary cut in 2009, lack of statistical data on anti-discrimination which could serve as a monitoring tool and lack of coordination with other bodies responsible for anti-discrimination policy actions. Since 2001, Romania has a strategy for the

Roma, the most discriminated group in the country, and since 2006, a strategy for gender equality. Yet, the budget allocated to the implementation of these strategies demonstrates a lack of political will to combat discrimination, also evident in the Romanian National Action Plan for Social Protection and Social Inclusion.

More information on:

National Council for Combating Discrimination

<http://www.cncd.org.ro/?language=en>

Sweden

Since January 2009, Sweden has a new Discrimination Act aiming to combat discrimination and promote equal opportunities on all grounds. The most important aspect of the new Act is that both victims and NGOs have the right to bring discrimination cases to the courts, thus offering more opportunities to at-risk groups to report discriminatory practices. To supervise its implementation, a new Equality Ombudsman has been established, replacing previous ombudsmen. Moreover, the Equality Ombudsman can act on behalf of individuals being discriminated against and bring such cases to court. Furthermore, the new Discrimination Act requires that employers of more than 25 employees should draft an Equal Opportunity Plan. Finally, the integration of the equal opportunities principle in Sweden can be found in both governmental and municipal activities. In fact, almost 30 authorities have prepared anti-discrimination strategies.

More information on:

Equality Ombudsman

<http://www.do.se/en/>

Slovenia

The bodies with the most important role in the fight against

discrimination in Slovenia are the Human Rights Ombudsman, the Advocate of the Principle of Equality and the Council for the Implementation of the Principle of Equality. The former works on protecting human rights and fundamental freedoms, while the other two bodies have been established during the transposition of EU Anti-Discrimination Directives into national legislation. The Governmental Office for Equal Opportunities coordinates the implementation of policies on gender equality, while on all other discrimination grounds its competences are restricted to the coordination of ministries rather than policies. Slovenia may not have a comprehensive equality plan, but policies covering different discrimination grounds are included in strategic policy plans.

More information on:

Office for Equal Opportunities

<http://www.uem.gov.si/en/>

Slovakia

At the governmental level, the most prominent institution in the field of anti-discrimination is the Deputy Prime Minister of the Government of the Slovak Republic for Knowledge-Based Society, European Affairs, Human Rights and Minorities. Among the independent public institutions, the Public Defender of Rights takes part in the protection of fundamental rights when challenged by governmental bodies' actions. However, the Public Defender cannot decide whether discriminatory behaviour does in fact occur, but can only notify the relevant governmental body. The amendment of the Anti-Discrimination Act stands out among the many important legislative changes introduced in 2008. The amended Act covers discrimination grounds beyond the EU Directives, such as political opinion, family status, national or social origin etc. Slovakian anti-discrimination policy also includes the

implementation of national action plans to prevent all forms of discrimination, racism, xenophobia, anti-semitism, in addition to other forms of intolerance.

More information on:

Slovak Centre for Human Rights

<http://www.snslp.sk/?locale=en>

United Kingdom

The UK has a long tradition on anti-discrimination policies and anti-discrimination legislation is over 40 years old. In 2007 the Equal Opportunities Commission (1975), the Commission for Racial Equality (1976) and the Disability Rights Commission (2000) were brought together in one institution, the Equality and Human Rights Commission, also covering the fields of age, sexual orientation and religion or belief. The Government Equalities Office is in charge of coordinating anti-discrimination activities. Moreover, a prominent legal tool is the public duty to combat discrimination, also applying to local governments. NGOs are also especially active in anti-discrimination, and participate in public consultations, yet their capacity should be strengthened in order for them to be able to respond to the numerous public consultations. The most important recent policy development in the UK was the publication of the Equality Bill in early 2009 which harmonised legislation on several equality grounds, while clarifying policy in areas like equal pay, positive action, government procurement, and the duties public bodies must fulfil in the area of non-discrimination and equality.

More information on:

Equality and Human Rights Commission

<http://www.equalityhumanrights.co>

5. Empirical evidence: statistical indicators and econometric models for the evaluation and monitoring of inequalities and discrimination¹¹²

5.1. Discrimination and inequalities: data bases and statistical indicators

Introduction

According to the European Commission's report "The fight against discrimination and the promotion of equality. How to measure progress done?", progress in combating discrimination can be measured by three sets of indicators (European Commission, 2008, p. 8-9).

(a) Indicators that document socio-economic differences and inequalities negatively affecting individuals or/and groups, to whom anti-discrimination policy aims.

(b) Indicators that measure the progress of policy against discrimination, that is, the degree of mobilization and implementation of legal and political – administrative tools provided for by anti-discrimination legislation.

¹¹² This section –except for subsection 5.2.– was written by D. Emmanouil, Research Director at the Institute of Urban and Rural Sociology - National Centre for Social Research, and A. Korre, external collaborator. Subsection 5.2. was written by K. Tsantila, external collaborator.

(c) Indicators that measure the outcomes of implementing anti-discrimination policies, through evaluating both the performance of particular measures in combating discrimination and, more importantly, the degree to which disadvantaged individuals or groups enjoy the treatment that is associated with the rights and principles promoted by the relative policy.

The aforementioned EC's report proposes a number of indicators (p. 14-15), divided into two units: one for all the potentially disadvantaged groups and another for inequalities that probably are based on racial or ethnic grounds. Both units are found to be sufficiently concise and comprehensive for this first-ever approach on this matter.

5.1.1. Structure and resources of database and indicators

The thematic structure of indicators proposed by the EC's report is the following:

JOB ACCESS CONDITIONS

Unemployment

Long-term unemployment

Job "visibility", public representation

LABOUR MARKET & WORKING CONDITIONS

Part-time employment

Uninsured workers

Precarious jobs

Job status (post/ seniority)

Horizontal & vertical social segregation

REMUNERATION

Average monthly salary

Average hourly salary

Position in the income structure

POVERTY, WELFARE BENEFITS, PENSIONS

EDUCATION

Secondary education among 20-29 year-olds

HOUSING

Owners/renters

Occupancy ratio

The permanent regular statistical sources for Greece, relevant to this thematic group, are limited to the following:

- LABOUR FORCE SURVEYS
- EU – SILC (SURVEY OF INCOME & LIVING CONDITIONS)
- HOUSEHOLD BUDGET SURVEYS
- ESS – EUROPEAN SOCIAL SURVEY
- POPULATION AND HOUSING CENSUSES

From the above mentioned sources, the sole appropriate source for time series on an annual basis is the Labour Force Survey.

As acknowledged by the European report, the existence of differences and inequalities does not necessarily constitute valid evidence for the existence of discrimination. Demonstrating the function of discrimination constitutes a particularly complex technical and theoretical problem, which calls for the employment of special statistical methods and the construction of particular synthesizing indicators. This issue should be systematically examined at later stages of the effort to construct a database on discrimination. However, in order to understand the kind of special tasks needed for measuring discrimination, an indicative econometric analysis for 2011 is presented below in section 5.3., which evaluates the potential expansion of the wage gap faced by women and, at a first level, by immigrants¹¹³.

¹¹³ Section 5.3., “Inequalities and discrimination in salaried workers’ wages – the role of gender and immigrants: an indicative econometric analysis for 2011”

Another important issue concerns the appropriate *presentation* of statistical indicators, in order for them to be supervisory and to transmit reliable information to the database users on the one hand, and be properly organized for internet use on the other. Contributing to this direction, selected tables and diagrams were gathered in Appendix I of the report, in order to provide more inclusive information to the relevant website. This material was complemented with time series tables and diagrams for a range of indicators based on the Labour Force Surveys for the period from 2008 to 2011 and is available on the website¹¹⁴.

According to the methodology and the organization plan of the present work, the most important reasons of discrimination from the scope of European policy and the characteristics of the Greek society, are the following:

- Racial and ethnic origin (with emphasis on immigrants)
- Disability
- Age (the elderly and the youth – ageism)
- Religious beliefs or other convictions
- Sexual orientation
- Gender (with emphasis on the “horizontal” significance of this dimension on all groups)
- Roma

Unfortunately, mainly for reasons relating to the need for personal data protection, or official tactics, systematic statistical surveys in Greece do not document most of these characteristics (especially disability, religious beliefs, sexual orientation, Roma), whereas racial and ethnic origin is indirectly, and often partly, inferred through information on citizenship or country of origin. Therefore, the sys-

¹¹⁴ D. Emmanouel – A. Korre, «Selected Tables, Diagrams and Time Series for the project’s website”

tematic development of a statistical indicators' database is imperatively restricted to the dimensions of gender, age and citizenship for non-Greeks. Quantitative or qualitative estimates of inequalities concerning the remaining dimensions should draw on special research studies or surveys, to the degree that these are available.¹¹⁵

The European Social Survey (ESS) constitutes an, at first glance, valid and regular statistical source for the dimensions of discrimination that are not covered by the usual sources (disability, religion). However, the ESS's sample is limited, which results—particularly if, in the case of religion, we focus on non-orthodox people with Greek citizenship—into an extremely small sub-sample of individuals, which does not allow for the statistically valid extraction of indicators.

The report on Greek statistical indicators documented the differences and inequalities on a range of indicators, based on differentiations by gender, age (elderly, youth) and citizenship (emphasizing on economic immigrants after 1990). Regarding the gender dimension in particular, it should be noted that, in accordance with other research findings (Papapetrou, 2004, Balourdos, 1995), it was viewed as a significant determinant of discrimination in Greece, that needs to be treated as a primary element of the indicator's basis and not as complementary to other dimensions of discrimination.

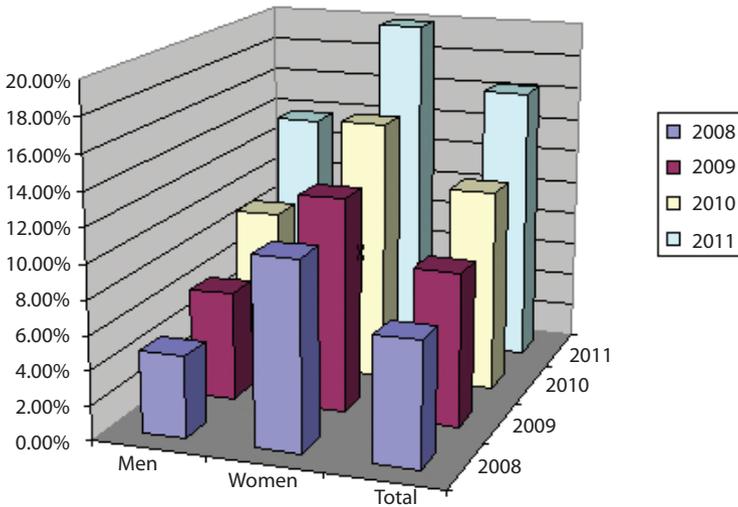
Three short tables and their corresponding diagrams follow below, showing unemployment rate by gender, age group and nationality, as indicators for the diversified participation in the labour market during the period from 2008 to 2011. A fourth table and accompanying diagram indicate the differences in the at-risk-of-poverty rates between Greek nationals and third countries' nationals (outside the EU) during the period 2005-2010 for which there exist data.

¹¹⁵ For an extensive review of recent empirical studies in Greece focussing on the economic aspects of discrimination, see Karantinos & Manoudi, 2011.

Table 5.1.1. Unemployment rate by gender and year, Greece (2008-2011)

Year	Men	Women	Total
2008	4,70%	10,90%	7,20%
2009	6,34%	12,52%	8,90%
2010	9,36%	15,26%	11,83%
2011	13,68%	19,97%	16,32%

Source: Labour Force Survey, 2008 - 2011, 2nd quarter

Diagram 5.1.1. Unemployment rate by gender and year, Greece (2008-2011)

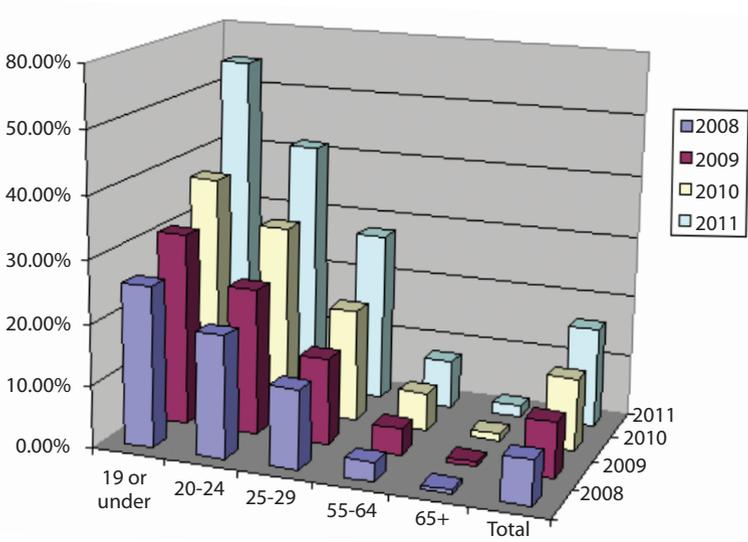
As we can see from table 5.1.1, during the period under consideration, women's unemployment rates remain constantly higher than those of men. However, as the crisis develops, men are hit harder by unemployment than women: men's unemployment rate increases almost threefold (from 4.7% in 2008 to 13.7% in 2011), whilst that of women increases more than twofold, thus somewhat moderating the prevailing gender diversifications.

Table 5.1.2. Unemployment rate by age group and year, Greece (2008-2011)

Year	Under 19	20-24	25-29	55-64	65+	Total
2008	26,00%	19,70%	12,80%	3,10%	0,70%	7,20%
2009	31,09%	23,54%	14,02%	4,34%	0,72%	8,90%
2010	37,36%	30,56%	18,26%	6,13%	1,18%	11,83%
2011	54,71%	41,43%	27,68%	7,78%	1,76%	16,32%

Source: Labour Force Survey, years 2008, 2009, 2010, 2011, 2nd quarter

Diagram 5.1.2. Unemployment rate by age group and year, Greece (2008-2011)

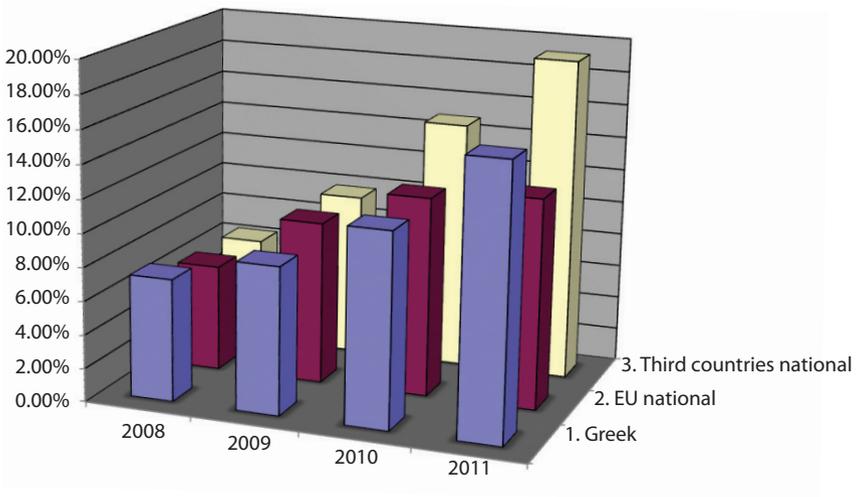


We can see from table 5.1.2., that the youth unemployment rate (for the under 24) differs significantly from the unemployment rate of the other age groups throughout the period under consideration. For the young people under 19, in particular, the unemployment rate rises by more than twofold (from 26% in 2008 to 54.7% in 2011); a similar trend is manifested in the age group 20-24. However, in relative terms, it appears that, as the crisis unfolds, the situation of the age group 25-29 deteriorates even further, as their unemployment rate shoots up from 12.8% in 2008 to 27.7% in 2011.

Table 5.1.3. Unemployment rate by nationality (2008-2011)

	2008	2009	2010	2011
Nationality	Employed			
1. Greek	4215328	4111299	4017407	3785127
2. EU national	63199	77306	75805	71589
3. Third countries' national	303600	343309	333781	299621
	Unemployed			
1. Greek	332337	397043	525584	729307
2. EU national	4292	8322	10230	10238
3. Third countries' national	20513	37198	58219	71276
	Total active population			
1. Greek	4547666	4508342	4542990	4514434
2. EU national	67491	85628	86035	81827
3. Third countries' national	324113	380507	392000	370896
	Unemployment rate			
1. Greek	7,31%	8,81%	11,57%	16,16%
2. EU national	6,36%	9,72%	11,89%	12,51%
3. Third countries' national	6,33%	9,78%	14,85%	19,22%

Source: Labour Force Survey, 2008-2011, own calculations

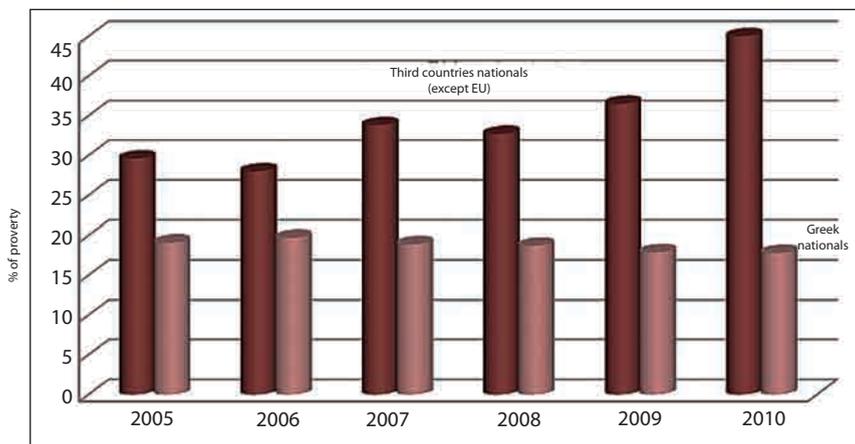
Diagram 5.1.3. Unemployment rate by nationality (2008-2011)

Unequal access to the labour market is also diversified according to the nationality, throughout the reference period, as immigrants from third countries outside the EU face a systematically higher unemployment rate compared to Greek and EU nationals. Namely, the unemployment rate of third countries' nationals increases between 2008 and 2011 by more than threefold as compared to the corresponding rate for Greek nationals that increases by twofold (from 6.3% in 2008 to 19.2% in 2011, and from 7.3% in 2008 to 16.2% in 2011, respectively).

Table 5.1.4. At risk of poverty rate of Greek nationals and of third countries' nationals outside the EU (2005-2010)

Year	Nationality		
	Third countries' nationals (except EU)	Greek nationals	Difference
2005	29,6	19,1	10,5
2006	28,0	19,7	8,3
2007	33,8	18,9	14,9
2008	32,7	18,7	14,0
2009	36,5	17,9	18,6
2010	45,0	17,8	27,2

Source: Eurostat, Statistics, Income and Living Conditions¹¹⁶

Diagram 5.1.4. At risk of poverty rate of nationals and of third countries' nationals outside the EU (2005-2010)

¹¹⁶ See <http://epp.eurostat.ec.europa.eu/portal/page/portal/eurostat/home>

Finally, as we can see from table 5.1.4., the at risk of poverty rate of third countries' immigrants (outside the EU) aged over 18, is significantly higher than the corresponding rate for Greek nationals, throughout the reference period 2005-2010. In particular, it appears that the gap in the risk of poverty between the two groups widens in 2009 (18.6 percentage points) and even more so in 2010 (27.1 percentage points). Thus, we can assume that the crisis hits harder the immigrants than the Greek nationals. It should be noted, however, that this indicator reflects the relative rather than the absolute position of each of the two social groups in the income distribution.

5.2. Perceived discrimination

Discrimination, that is the infringement of the fundamental principles of equal treatment and equal opportunities, could be either direct or indirect (see for example Lopatowska, 2009). *Direct* discrimination occurs when one receives less favorable treatment due to their gender, origin, age etc. *Indirect* discrimination occurs when a – seemingly – neutral conviction or practice could place a person in a disadvantaged position on the grounds of gender, origins etc., unless this conviction is objectively justified by some rightful means.

Research shows that perceived discrimination in the various spheres of personal, social and work life could bring dramatic changes, both physically and psychologically. Krieger and Sidney (1996) for example, note that experiences of unfair treatment among African-Americans are associated with higher levels of blood pressure when compared with Whites and Blacks who do not report or who challenge discrimination. Additionally, perceived discrimination has been found to correlate with more psychological distress (e.g. signs of stress, depression etc) among lesbians, homosexuals

and bisexuals (Mays, Cochran, 2011), immigrants and members of ethnic minorities in Europe (Missinne, Bracke, 2010), but also in the general public, that is among people who do not necessarily belong to groups subject to discrimination (Kessler, Mickelson, Williams, 1999).

It becomes evident, from what is previously discussed, that it is necessary to monitor discrimination. This should be done by both objectively measured cases of discriminatory treatment and by subjective perceptions of people who believe they belong to groups that may be subject to discrimination. Perceived discrimination is part of the themes covered by the European Social Survey (see 5.2.1.); it is also one of the issues that falls within the competences of the independent authority Greek Ombudsman (see 5.2.2.).

5.2.1. Data on perceived discrimination from the European Social Survey (ESS)

The European Social Survey¹¹⁷ is a multinational research project, aiming to map and explain changes in attitudes and behavioural patterns of European citizens in the ever-changing European Community, by collecting comparable data from more than 30 countries. The survey is carried out in repeated two-year rounds and is funded by the European Commission, the European Science Foundation and national bodies of the participating countries. The first round of the project was completed in 2003 and is currently in its fifth round. It should be noted that the data presented here are from the survey's fourth round and were collected in 2008.

The ESS questionnaire covers perceived discrimination with the following two questions:

¹¹⁷ For further information on European Social Survey, visit <http://www.ekke.gr/ess/>

1. *Would you describe yourself as being a member of a group that is discriminated against in this country?*

2. *If yes, on what grounds is your group discriminated against?*

As far as the first question is concerned, the overriding majority of respondents in Greece answered that they do not consider themselves as members of groups that are subject to discrimination. From the total sample of 2.072 people,¹¹⁸ only 5.2% (108 people) responded that they would describe themselves as belonging to a group that is discriminated against, while 0.4% responds “I don’t know” (see Table 5.2.1.).

Table 5.2.1: Would you describe yourself as being a member of a group that is discriminated against in Greece?

	Frequency	Percentage
Yes	108	5,2%
No	1955	94,4%
I don't know	9	0,4%
Total	2072	100,0%

Nationality is the most commonly reported reason for discrimination. Namely, 38 persons, that is 1.8% of the sample, report that their groups is being discriminated against on the grounds of nationality, while another 30 people, that is the 1.4% of the total sample, refer to their age as the main reason their group is subject to discrimination. As far as the other grounds are concerned, they each gather rates that fail to overpass 0.8% of the sample (see Table 5.2.2, for a brief presentation of data).

¹¹⁸ For a detailed description of the sample and the survey in general, visit the European Social Survey’s website <http://www.europeansocialsurvey.org>

Table 5.2.2: On what grounds is your group discriminated against? (descending frequency)

Grounds of discrimination	N	Percentage of overall sample
On the ground of nationality	38	1.8%
On the ground of age	30	1.4%
On other grounds	17	0.8%
On the grounds of colour or race	13	0.6%
On the ground of gender	10	0.5%
On the ground of religious beliefs	8	0.4%
On the ground of sexual orientation	6	0.3%
On the ground of disability	6	0.3%
On the ground of language	4	0.2%
On the ground of being an ethnic group	4	0.2%
I don't know	2	0.1%

From crossing “gender” and “perceived discrimination on the grounds of gender”, we find that it was only women who reported belonging to a group that is subject to discrimination due to gender, although their rate is extremely low (see Table 5.2.3). It was namely only 0.9% of women (0.5% of the overall sample) who considered themselves members of groups discriminated against on the grounds of gender.

Table 5.2.3: Discrimination against group on the grounds of gender

			GENDER		Total
			Male	Female	
Discrimination against respondent's group: On the grounds of gender	Not selected	Count	941	1121	2062
		% within GENDER	100,0%	99,1%	99,5%
	Selected	Count	0	10	10
		% within GENDER	,0%	,9%	,5%
Total		Count	941	1131	2072
		% within GENDER	100,0%	100,0%	100,0%

From Table 5.2.4 below, we can observe that the majority of people reporting that the group they belong to is subject to discrimination due to nationality (23 people), does not have the Greek citizenship. It should be noted that a large proportion of them are Albanians (see Table 5.2.5.). However, more than 1/3 of the people reporting discrimination on the grounds of nationality, that is 15 people, declare to be Greek citizens (see Table below).

Table 5.2.4: Discrimination against respondent's group on the grounds of nationality and Greek citizenship

			Greek citizenship		Total
			Yes	No	
Discrimination against respondent's group: On the grounds of nationality	Not selected	Count	1983	51	2034
		% within Greek citizenship	99,2%	68,9%	98,2%
	Selected	Count	15	23	38
		% within Greek citizenship	0,8%	31,1%	1,8%
Total	Count		1998	74	2072
	% within Greek citizenship		100,0%	100,0%	100,0%

Table 5.2.5: Discrimination against group on the grounds of nationality and citizenship

			Citizenship			Total
			Albanian citizenship	Other countries	Don't know	
Discrimination against respondent's group: On the grounds of nationality	Not selected	Count	29	2004	1	2034
		% within Citizenship	67,4%	98,8%	100,0%	98,2%
	Selected	Count	14	24	0	38
		% within Citizenship	32,6%	1,2%	0,0%	1,8%
Total	Count		43	2028	1	2072
	% within Citizenship		100,0%	100,0%	100,0%	100,0%

It should be noted that there seems to be no consistency in responses concerning perceived discrimination on the grounds of age, since this trend appears almost equally in all age groups (see Table 5.2.6.). This reveals the problem of defining ageism, as well as Greek citizens' ignorance on this matter. We actually find that the overriding majority of the sample reported that they generally have positive feelings towards both people in their 20s and people above 70 (age groups that are theoretically subject to ageism, see Tables 5.2.7. and 5.2.8.).

What we can generally draw from the above, is that in Greece only an extremely small proportion of people report that they consider themselves as members of groups that are subject to discrimination. The most commonly reported ground of perceived discrimination is nationality and secondly age. These findings should not be perceived as reassuring, because they do not entail an actual absence of discrimination in Greek society. We should take non-response bias into consideration, which might be to blame for the extremely low rates of positive responses in the first question. At the same time, it is possible that people who consider themselves as members of groups subject to discrimination on the grounds of nationality, race, colour or ethnicity, are under-represented in the sample. These people are very hard to be included in samples of strict-sampling surveys, like the European Social Survey, mainly because it is possible for them not to have a permanent address, while denying taking part in surveys is also common, mainly due to language barriers (Billiet, Meuleman, 2007).

The data presented above go hand in hand with strong evidence that discriminatory treatment prevails in Greece. For example, according to a recent survey, women continue to get lower wages than men, which is also true when young people are compared with people close to retirement (Labour Force Survey, 2008B). Data on

Table 5.2.7: How negative or positive do you generally feel towards people in their 20s?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Extremely negative	5	,2	,2	,2
	1	2	,1	,1	,3
	2	6	,3	,3	,6
	3	22	1,1	1,1	1,7
	4	35	1,7	1,7	3,4
	5	127	6,1	6,1	9,5
	6	110	5,3	5,3	14,8
	7	209	10,1	10,1	24,9
	8	427	20,6	20,6	45,5
	9	421	20,3	20,3	65,8
	Extremely positive	703	33,9	33,9	99,8
	Don't know	5	,2	,2	100,0
	Total	2072	100,0	100,0	

Table 5.2.8: How negative or positive do you generally feel towards people over 70?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Extremely negative	6	,3	,3	,3
	1	3	,1	,1	,4
	2	7	,3	,3	,8
	3	15	,7	,7	1,5
	4	42	2,0	2,0	3,5
	5	124	6,0	6,0	9,5
	6	146	7,0	7,0	16,6
	7	273	13,2	13,2	29,7
	8	504	24,3	24,3	54,1
	9	387	18,7	18,7	72,7
	Extremely positive	561	27,1	27,1	99,8
	Don't know	4	,2	,2	100,0
	Total	2072	100,0	100,0	

poverty suggest that, compared to Greeks, a higher rate of immigrants live under the poverty line (EU-SILC, 2008), while according to a recent report by the Greek Ombudsman, the Greek Roma face severe problems when it comes to housing (Greek Ombudsman, 2010). It becomes evident that monitoring discrimination, both actual and perceived, is a challenge that the European countries need to face and successfully tackle.

5.2.2. Data on discrimination from the Greek Ombudsman

The Greek Ombudsman is a constitutionally sanctioned Independent Authority, operating as the official body promoting equal treatment in the public sector, in the labour market and employment, irrespective of gender, racial or ethnic origin, religious or other convictions, disability, age or sexual orientation. It has also been appointed as a body responsible for monitoring the implementation of the principle of equal treatment of women and men regarding vocational training, access to the job market and work conditions in both the public and the private sectors. The Greek Ombudsman works closely together with the Equal Treatment Committee of the Ministry of Justice and the Labour Inspectorate, bodies entrusted with the promotion of the principle of equal treatment in the private sector.

According to the most recent special report¹¹⁹ of the Greek Ombudsman, during 2010 a total of 53 cases concerning discriminative treatment of a person or persons for reasons covered by the provisions of Law 3304/2005¹²⁰ were investigated. Out of these cases, 11 were archived, because they did not fall under the GO's competence

¹¹⁹ Special Report 2010, Promoting Equal Treatment – The Greek Ombudsman as National Equality Body

¹²⁰ Law 3304/2005: Implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation.

or were unfounded, or their investigation was terminated due to the lack of sufficient information provided by the complainants. Overall, 24 cases were concluded during the reference year, while investigation is ongoing for another 18 cases. As noted in the aforementioned report, a significant and systematic increase of filed cases is noted, that fall under the regulatory field of Law 3304/2005. This is associated with a congruent increase in reports concerning discrimination (a) on the grounds of disability and (b) against the Roma.

In detail, out of the 53 cases investigated by the Greek Ombudsman, 36 concerned discriminative treatment on the grounds of racial origin, 14 on the grounds of disability, 2 due to ethnic origin and 1 due to age¹²¹. During 2010, a number of 28 cases were filed with the Greek Ombudsman, 18 of which concerned alleged discriminative treatment of a person or persons on the grounds of racial origin, while others were associated with discrimination on the grounds of disability (8), ethnic origin (1) and age (1).

Regarding employment in particular, the majority of complaints (18 overall) were alleging discriminatory treatment due to disability (13). Other reasons of alleged discrimination in employment for 2010 included ethnic origin (2), racial origin (2) and age (1). During the reference year, one complaint was filed on discrimination in vocational orientation, training, further training or internship, which concerned discrimination on the grounds of disability, while the only complaint on discriminatory treatment in education was on the grounds of racial origin. The total of filed cases concerning discrimination in the provision of goods, services or housing, consisted of complaints for discrimination due to racial origin (33).

¹²¹ See Table 1 for a detailed presentation of complaints filed in 2010 (taken from the GO's special report 2010).

Table 5.2.9. Complaints filed in 2010 on discriminatory treatment, according to the grounds of discrimination

Complaints filed in 2010 on discriminatory treatment, according to the grounds of discrimination	Complaints investigated in 2010	Complaints filed in 2010	Discrimination in employment	Discrimination in vocational orientation, training, further training, internship	Discrimination at the workplace	Discrimination in the provision of goods, services, housing
Ethnic origin	2	1	2			
Racial origin	36	18	2		1	33
Disability – reasonable adjustment	14	8	13	1		
Age	1	1	1			
Sexual discrimination	-	-	-	-	-	-
Religious or other beliefs	-	-	-		-	-
Total	53	28	18	1	1	33

The almost total absence of complaints concerning discrimination due to age could be partly explained by the suspension of recruitments in the public sector and the subsequent reduction in advertised vacancies, in which age restrictions were the main object of complaints with the Greek Ombudsman. There is, however, a complete absence of complaints regarding discriminatory treatment on the grounds of sexual orientation and religious or other beliefs. It should be noted that such cases are extremely rare at both the national and the European levels. This fact should not, in any case, be considered as evidence for the absence of discrimination on these grounds. The limited number of such complaints is more likely the result of the strong hesitation of victims to take action which could expose their personal or social lives.

Regarding the outcomes of filed reports processed by the Authority in 2010¹²², discriminatory treatment was detected in 44 of them. The majority of these cases concern discrimination due to racial origin (36), followed by those due to disability (6), ethnic origin (1) and age (1). Discrimination fell under the provision of Law 3304/2005 in 36 out of 53 filed complaints, which concerned cases of racial origin (20), disability (14), ethnic origin (1) and age (1). Resolution or compliance was achieved in 13 cases, which relate to discriminatory treatment on the grounds of racial origin (8), disability (4) and ethnic origin (1). There are also 25 pending cases, the overriding majority of which (23) concerns discrimination based on racial origin. These cases mainly concern discrimination faced by the Greek Roma people and are integrated in a special strategic action of the Greek Ombudsman, which keeps them open in order to monitor and, finally, ultimately resolve the problems this group faces.

¹²² See Table 2 for a detailed presentation regarding the outcomes of cases investigated by the Greek Ombudsman in 2010 (taken from the GO's special report, 2010).

Table 5.2.10. Conclusion of complaints filed in 2010, according to the grounds of discrimination

Conclusion of complaints filed in 2010, according to the grounds of discrimination	Total number of complaints on discrimination	Discrimination detected	Discrimination not detected	Discrimination that falls under the provision of Law 3304/2005	Alleged discrimination not falling under the provision of Law 3304/2005	Compliance, resolution	Non-compliance	Pending cases, recommendations, Authority suggestions
Ethnic origin	2	1	1	1	1	1	1	
Racial origin	36	36	-	20	16	8	4	23
Disability – reasonable adjustment	14	6	5	14	-	4	1	2
Age	1	1		1				
Sexual orientation								
Religious or other beliefs								
Total	53	44		36	18	13	6	25

The Greek Ombudsman's special report expresses strong concern regarding the limited number of complaints with the Authority for reasons concerning discriminatory treatment. This seems to be related to both ignorance of Law 3304/2005 and the institutional protection it provides and to low expectations regarding the outcome of complaints. Additionally, what seems to be a great barrier, especially in cases regarding alleged discriminatory treatment on the grounds of sexual orientation and religious or other beliefs, is the likelihood of exposing aspects of one's personal and social life. Networking with bodies and organizations working to support socially vulnerable groups, as well as the increase of filed complaints on less charged instances of discrimination (e.g. on the ground of disability), can have a positive impact. However, civil society is urged to take initiatives, both nationally and regionally, in order to create and establish networks, but also to promote an overall anti-discrimination culture.

5.3. Inequalities and discrimination in salaried workers' wages. The role of gender and migration: an indicative econometric analysis for 2011¹²³

5.3.1. Introduction

As noted in the introduction of the present section, while inequalities between groups are relatively easy to document, the documentation of discrimination requires either the collection of special data or the indirect appraisal of the extent of discrimination, through the use of special econometric studies, where the (possible) consequences of discrimination can be separated from the effects of other variables which interpret inequalities, and whose role is

¹²³ For the full text see <http://www.gsdb.gr/ocd/>

not considered proof of discrimination. A classic case of this nature is the one concerning analyses of wage differences between groups, where such differences, which exist due to differences in individuals' "human capital" (e.g. experience, education) or differences in access to essentially separate parts of the labour market, such as public – private sector, Athens – Other regions (Balourdos, 1995), are not considered outcomes of discriminatory treatment. Arguably, discrimination could be viewed from the point of the *distribution* of such characteristics, but this differs from the issue of wage formation. However, this potential shift in addressing the issue indicates the usefulness of such econometric analyses, since efforts to improve conditions could thereby focus on the essential causes of the problem.

This kind of analysis requires specialized theoretical and methodological approaches, which usually engage in scientific dispute and, therefore, transcend the boundaries of a well-established practice of recording commonly accepted statistical indicators. However, when it comes to analyzing the pay gap between men and women, there is quite significant research experience, both internationally and in Greece, which has brought about the establishment and coding of certain econometric models that are now widely accepted as statistical "measures" of discrimination – i.e. quasi-"indicators". This is why we will subsequently present results of the aforementioned econometric models based on data from the 2011 Labour Force Survey (2nd quarter) as a clearly demonstrative first implementation, which indicates the kind of special analyses that need to be regularly performed in the context of the Anti-Discrimination Observatory. An additional point of interest in this analysis is that we may include among the explanatory factors the role of immigrant status and thus have a first rough estimate of discrimination levels based on ethnic/race distinctions.

In simple words, we can say that the relevant models are of two types:

a) The method proposed by Oaxaca (1973) and Blinder (1973) is founded on the econometric “decomposition” of the level of remuneration – the logarithm of salary¹²⁴, to be exact – based on the characteristics of “human capital” and the “structural” characteristics of inclusion in separate parts of the labour market with three different functions, excluding the immediate effect of gender as independent variable: one for the total and one for each sex. Consequently, the pay gap between sexes is decomposed in four parts through the appropriate use of the previously estimated coefficients: one part that is due to differences in characteristics between the two genders, another which is due to the “male advantage” because of the more favourable coefficients compared to those for the total, a third which is due to women’s “disadvantage” because of less favourable coefficients and, finally, a fourth part left as “uninterpreted” remainder, which is assumingly mainly due to the functions of sheer social discrimination. (For Greek applications see Ioakeimoglou, 2009, Karamesini & Ioakeimoglou, 2009, Karamesini & Ioakeimoglou, 2003, Papapetrou, 2004, 2010).

β) The second method directly tests the role of gender through the estimation of a function, where, apart from the individual characteristics, the effect of gender is directly added with a dummy variable, as well as with the interaction of that variable with all other characteristics (their simple products). This way we can estimate both the effect of gender itself separately from other factors and the effect of gender combined with the remaining factors. (For Greek applications see Tsamadias & Heilas, 2001).

¹²⁴ What is actually estimated through the use of the logarithm is a function of the form $Y = a X^m Z^n$, where coefficients m, n show the “elasticity” of variation in Y due to changes in X, Z . For example, $m=0.2$ indicates that a 100% change in X brings a 20% change in Y .

5.3.2. Linear regressions without the immediate effect of gender (the Oaxaca – Blinder Method)

a. Linear regression for the overall sample

The model takes the following form:

$$\ln(y_i) = \alpha + \beta_1 ypa_i + \beta_2 \exp_i + \beta_3 \exp_i^2 + \beta_4 \exp 1_i + \beta_5 \text{sector}_i + \beta_6 \text{marital status}_i + \beta_7 \text{edu1}_i + \beta_8 \text{edu2}_i + \beta_9 \text{metan}_i + e_i \quad (1)$$

where, *ypa* is a dummy variable concerning region, with values 1 for Attica and 0 for the rest of the country, and *exp* and *exp*² are the linear and squared effect respectively of work experience (in years). In addition, the variable “sector” is a dummy variable for sector of employment, with values 1 for public and 0 for private sector, while “marital status” is also a dummy variable with values 1 for married and 0 for single. Variables *edu1* and *edu2* are the two dummy variables for entering level of education in three categories. More specifically, *edu1* takes value 1 for higher education and 0 for primary and secondary education graduates or for individuals who have not completed primary school or have not gone to school at all. Similarly, *edu2* takes value 1 for secondary and 0 for higher education or secondary education graduates or primary education graduates or respondents who have not completed primary school or have not gone to school at all. Finally, “metan” is a dummy variable which separates the sample into immigrants (value 1) and Greeks or citizens of EU27 member states (value 0). Work experience in years (*exp1*) was calculated as follows: the starting date of the current job (question no. 21) was subtracted from the date when the survey was conducted (2011). Experience (*exp*) was calculated as follows: each respondent’s years of education plus 6 years of pre-school life were subtracted from their age. The dependent variable *ln(y)* is the natural logarithm of net hourly wage from salaried services.¹²⁵

¹²⁵ Daily wage was calculated from monthly earnings variable (E95) of salaried

Table 1: Estimations of model (1) linear regression coefficients

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta	B	Std. Error
1	(Constant)	1,204	,001		1238,645	,000
	Regions	,024	,000	,028	54,909	,000
	Work experience in current post (in years) (2011-E21a)	,012	,000	,256	385,084	,000
	Experience	,018	,000	,442	213,926	,000
	Experience^(2)	-,0003	,000	-,372	-190,530	,000
	Sector of employment	,226	,001	,255	449,935	,000
	Marital status	,057	,000	,065	115,856	,000
	Immigrants	-,154	,001	-,110	-204,445	,000
	Higher education	,322	,001	,377	469,721	,000
	Secondary education	,081	,001	,090	126,284	,000

a Dependent Variable: ln(net hourly wage from salaried services)

In table 1 we present the estimation of linear regression coefficients for model (1). We can see that all effects of model (1)'s variables are statistically significant, at the 1% level of significance. According to the values of standardized regression coefficients, ex-

workers in the LFS2011B with a new variable (E95_continuous), which emerged from the following transformation of variable E95: Up to 250 Euros: 175 Euros, 251-500 Euros: 375, 501-750 Euros: 625, 751-1000 Euros: 875, 1001-1250 Euros: 1125, 1251-1500 Euros: 1375, 1501-1750 Euros: 1625, 1751-2000 Euros: 1875, 2000 Euros or more: 2600. In order to transform salaries into daily wages, we divide E95_continuous to 4,36* e25_orR (usual working hours per week).

perience (both linear and squared) appears to have the greater effect on the logarithm of net hourly wages. In accordance with the results presented above, the average logarithm of net salary is by 0.154 lower for immigrants in comparison with non-immigrants. Higher education respondents exhibit mean neper logarithm of hourly salary greater by 0.322 compared with primary education respondents. The logarithm of hourly wage is increased by 0.012 for every added year of experience. Linear estimation of the effect of experience by year decreases by 0.018 as experience in years increases, an effect reduced in higher age groups according to the estimation for the squared effect of the variable. Finally, concerning the estimates of regression coefficients for the effects of region, sector of employment and marital status, we note that: the expected logarithm of net hourly wage increases by 0.024 when the respondent lives in Attica, compared to the rest of the country. Workers in the public sector show an increase by 0.226, in comparison with private sector workers. Finally, married individuals seem to have greater logarithm of hourly wage by 0.057 compared to single individuals.

Table 2: ANOVA(b) for model (1)

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	187008,312	9	20778,701	216358,234	,000(a)
	Residual	209579,085	2182242	,096		
	Total	396587,397	2182251			

a Predictors: (Constant), Secondary education, Experience, Immigrants, Regions, Sector of employment, Marital status, Experience in current post (in years) (2011-E21a), Higher education, Experience²)

b Dependent Variable: ln(net hourly wage from salaried services)

Next we present some information on the statistical significance of the regression equation. Model (1) is statistically significant ($F_{9,2182242}=216358,23$ p-value<0.0001). Model (1) explains 47.2% of the variance of $\ln(y)$.

Table 3: Model Summary(b)

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	,687(a)	,472	,472	,30990

b. Linear regression for men

The model employed is (1) for the total number of men in the sample. The estimation of regression coefficients of model (1) for the total number of men is given in table 4.

Table 4: Estimation of linear regression coefficients of model (1) for the total number of men

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta	B	Std. Error
1	(Constant)	1,231	,001		1014,350	,000
	Regions	,047	,001	,058	86,418	,000
	Experience in current post (in years) (2011-E21a)	,009	,000	,202	224,044	,000
	Experience	,018	,000	,475	168,804	,000
	Experience^(2)	,00026	,000	-,324	-121,647	,000
	Sector of employment	,179	,001	,214	286,332	,000

	Marital status	,074	,001	,090	115,702	,000
	Immigrants	-,161	,001	-,131	-180,123	,000
	Higher education	,328	,001	,403	407,890	,000
	Secondary education	,106	,001	,127	142,292	,000

a Dependent Variable: ln(net hourly wage from salaried services)

All effects of the interpreting variables are statistically significant at the 1% level of significance. The effect of experience on the logarithm of hourly wage appears to be equal to the one estimated for the overall population. Immigrant men appear to present lower expected logarithm of net hourly salary by 0.161. In general, when comparing results in table 4 to the ones in table 1, we can conclude that the effects of all independent variables are, on the whole, of the same form; what varies though is their power. For example, the difference in the logarithms of hourly wage between residents of Attica and residents of other regions, when values of the remainder variables remain constant, is greater for men compared to the respective difference for the overall population.

Table 5: ANOVA(b) for model (1) on the total number of men

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	93381,617	9	10375,735	125641,896	,000(a)
	Residual	101335,940	1227098	,083		
	Total	194717,557	1227107			

a Predictors: (Constant), Secondary education, Experience in current post (in years) (2011-E21a), Regions, Immigrants, Marital status, Sector of employment, Experience⁽²⁾, Higher education, Experience

b Dependent Variable: ln(net hourly wage from salaried services)

Table 6: Model Summary (b)

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	,693(a)	,480	,480	,28737

Based on results presented in tables 5 and 6, we come to the conclusion that model (1) for the total number of men is statistically significant ($F_{9,1227098}=125641,9$ p-value<0.0001) and explains 48% of the variance of ln(y).

c. Linear regression for women

Similarly, in this section we present the results of the application of model (1) for the total number of women in the sample. More specifically, table 7 offers the estimation of regression coefficients.

Table 7: Estimation of linear regression coefficients of model (1) for the total number of women

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta	B	Std. Error
1	(Constant)	1,140	,002		721,070	,000
	Regions	,012	,001	,013	17,665	,000
	Experience in current post (in years) (2011-E21a)	,014	,000	,266	279,180	,000

Experience	,017	,000	,396	133,404	,000
Experience ⁽²⁾	,00036	,000	-,384	-137,068	,000
Sector of employment	,293	,001	,312	372,098	,000
Marital status	,034	,001	,036	45,351	,000
Immigrants	-,161	,001	-,098	-128,417	,000
Higher education	,355	,001	,388	293,755	,000
Secondary education	,088	,001	,090	78,370	,000

a Dependent Variable: $\ln(\text{net hourly wage from salaried services})$

The effect of experience (both in its linear and squared form) on the expected logarithm of net hourly wage appears to be similar to the one estimated for men and for the total population. The effect of variable “metan”, that is of whether the respondent is an immigrant or not, on the logarithm of hourly pay appears to be equal to the one estimated for men. The effect of marital status on the logarithm seems to be greater for men compared to the one estimated for women. More specifically, the mean difference of logarithms of hourly pay between married and single men, when all other variables remain constant, is 0.074, while the respective difference for women is 0.034. Work experience appears to have a more positive effect on the hourly wage of women, compared to that of men. The same applies to the sector of employment. Namely, the mean difference in hourly wages between women working in the public sector and women working in the private sector, when all other variables remain constant, is greater than the respective difference for men.

Table 8: ANOVA(b) for model (1) for the total number of women

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	101469,555	9	11274,395	110100,656	,000(a)
	Residual	97806,556	955135	,102		
	Total	199276,110	955144			

a Predictors: (Constant), Secondary education, Experience in current post (in years) (2011-E21a), Regions, Immigrants, Marital status, Sector of employment, Experience², Higher education, Experience

b Dependent Variable: ln(net hourly wage from salaried services)

Table 9: Model Summary(b)

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	,714(a)	,509	,509	,32000

According to the results presented in tables 8 and 9, model (1) for the total number of women is statistically significant ($F_{9,955135}=110100,66$ p-value<0.0001) and explains 51% of variance in ln(y).

*d. Analysis of pay gap***Analysis of pay gap between men and women by factor**

		LN(Wm)	LN(Wf)	Difference	Interpreted difference	Non-interpreted residuals
Means of LN(y)		1,921	1,878	0,043	-0,089	0,132
Means of y (€)	6,705	6,831	6,543			
EFFECTS OF CHARACTERISTICS						
	b*	Xm	Xf			
Experience in current job	0,0120	11,143	9,806	0,016		
Experience	0,0180	21,421	19,935	0,027		
Experience (2)	0,0003	571,456	512,537	0,018		
Marital status	0,0570	0,625	0,610	0,001		
Higher education	0,3220	0,399	0,529	-0,042		
Secondary education	0,0810	0,356	0,318	0,003		
Region	0,0240	0,430	0,481	-0,001		
Sector of employment	0,2260	0,346	0,384	-0,009		
Immigrants	-0,1540	0,119	0,085	-0,005		
					0,008	
MALE ADVANTAGE						
	Xm	bm	b*			
Experience in current job	11,143	0,0090	0,0120	-0,033		
Experience	21,421	0,0180	0,0180	0,000		
Experience (2)	571,456	0,0003	0,0003	-0,023		
Marital status	0,625	0,0740	0,0570	0,011		
Higher education	0,399	0,3280	0,3220	0,002		

Secondary education	0,356	0,1060	0,0810	0,009		
Region	0,430	0,0470	0,0240	0,010		
Sector of employment	0,346	0,1790	0,2260	-0,016		
Immigrants	0,119	-0,1610	-0,1540	-0,001		
					-0,042	
FEMALE DISADVANTAGE						
	Xf	b*	bf			
Experience in current job	9,806	0,0120	0,0140	-0,020		
Experience	19,935	0,0180	0,0170	0,020		
Experience (2)	512,537	0,0003	0,0004	-0,031		
Marital status	0,610	0,0570	0,0340	0,014		
Higher education	0,529	0,3220	0,3550	-0,017		
Secondary education	0,318	0,0810	0,0880	-0,002		
Region	0,481	0,0240	0,0120	0,006		
Sector of employment	0,384	0,2260	0,2930	-0,026		
Immigrants	0,085	-0,1540	-0,1610	0,001		
					-0,055	

The analysis of pay gap according to Oaxaca – Blinder takes the following form:

$$\ln(W_m) - \ln(W_f) = b^* (X_m - X_f) + X_m (b_m - b^*) + X_f (b^* - b_f) + \varepsilon$$

where W_m , W_f the average hourly wage of men and women, X_m , X_f the average characteristics, b_m , b_f , b^* the average coefficients (b^* for the total sample) and ε the average “uninterpreted” residuals. The first three sections of the right part of the relationship concern the “effect of characteristics”, “male advantage” and “female disadvantage” respectively.

These three distinct effects appear in the table above, in accordance with the average characteristics and the mean coefficients estimated. While the overall difference among logarithms is 0.043, only 0.008 of this is due to differences in characteristics between men and women. The remainder effects (male advantage – female disadvantage) are both negative – that is, they operate in favour of women. Their overall sum is -0.089, which indicates that “normally”, in accordance with the market mechanisms as far as gender characteristics are concerned, average hourly pay for men should have been *lower* than that for women. Thus, the un-interpreted residuals amount to 0.132, which means – after a conversion of logarithms into real numbers – that, in the absence of “un-interpreted residuals”, average hourly pay for women would have been higher by 9.3% than that for men, instead of being lower by -4.2% as it actually is. Nonetheless, we do not know whether these “residuals” are due to social discrimination or statistical bias, or other unknown factors, which have not been included in the analysis.

5.3.3. Linear regression with the main effect of gender and interaction with the remainder interpreting variables

The model takes the form:

$$\ln(y_i) = \alpha + \beta_1 ypa_i + \beta_2 exp_i + \beta_3 exp_i^2 + \beta_4 exp1_i + \beta_5 sector_i + \beta_6 marital\ status_i + \beta_7 edu1_i + \beta_8 edu2_i + \beta_9 metan_i + \beta_{10} sex_i + \beta_{11} sex_i * ypa_i + \beta_{12} sex_i * exp_i + \beta_{13} sex_i * exp_i^2 + \beta_{14} sex_i * exp1_i + \beta_{15} sex_i * sector_i + \beta_{16} sex_i * marital\ status_i + \beta_{17} sex_i * edu1_i + \beta_{18} sex_i * edu2_i + \beta_{19} sex_i * metan_i + e_i \quad (2)$$

As we can see, in model (2), compared to model (1), we have added the main effect of sex and all the double interactions between sex and the remainder interpreting variables. Variable “sex” is a dummy variable, taking on value 1 for men and 0 for women. What has already been described during the presentation of model (1) applies to all remainder variables.

Table 10: Estimation of regression coefficients for model (2)

	B	Std Error	Lower 95% Wald conf. interval	Upper 95% Wald conf. interval	Wald chi square	df	Sig
(Intercept)	1,140	,0015	1,138	1,143	583462,283	1	,000
[ypa=1]	,012	,0006	,011	,013	349,906	1	,000
[sex=1]	,090	,0020	,087	,094	2117,900	1	,000
[sector=1]	,293	,0007	,291	,294	155360,163	1	,000
[marital status=1]	,034	,0007	,032	,035	2312,302	1	,000
[metan=1]	-,161	,0012	-,163	-,159	18508,585	1	,000
[edu1=1]	,355	,0011	,352	,357	96827,118	1	,000
[edu2=1]	,088	,0011	,086	,090	6889,055	1	,000
exp	,017	,0001	,017	,017	19971,245	1	,000
exp^(2)	-,00036	2,505E-006	,000	,000	21079,297	1	,000
exp1	,014	4,796E-005	,014	,014	87446,711	1	,000
[ypa=1] * [sex=1]	,035	,0009	,033	,037	1682,769	1	,000
[sex=1] * [sector=1]	-,114	,0010	-,116	-,112	13176,633	1	,000
[sex=1] * [marital status=1]	,040	,0010	,039	,042	1737,211	1	,000
[sex=1] * [metan=1]	,000	,0015	-,003	,002	,108	1	,743
[sex=1] * [edu1=1]	-,027	,0014	-,029	-,024	348,812	1	,000
[sex=1] * [edu2=1]	,018	,0013	,015	,021	187,690	1	,000
[sex=1] * exp	,001	,0002	,001	,001	34,720	1	,000
[sex=1] * exp^(2)	,0001	3,353E-006	9,93E-005	,000	997,074	1	,000
[sex=1] * exp1	-,006	6,275E-005	-,006	-,005	7849,289	1	,000
(Scale)	,091(b)	8,737E-005	,091	,091			

Dependent Variable: $\ln(\text{net hourly wage from salaried services})$

Model: (Intercept), ypa , sex , sector , marital status , metan , edu1 , edu2 , exp , exp^2 , exp1 , $\text{ypa} * \text{sex}$, $\text{sex} * \text{sector}$, $\text{sex} * \text{marital status}$, $\text{sex} * \text{metan}$, $\text{sex} * \text{edu1}$, $\text{sex} * \text{edu2}$, $\text{sex} * \text{exp}$, $\text{sex} * \text{exp}^2$, $\text{sex} * \text{exp1}$

b Maximum likelihood estimate.

Table 11: Omnibus Test(a)

Likelihood Ratio Chi-Square	df	Sig.
1503151,857	19	,000

a Compares the fitted model against the intercept-only model.

Apart from the interaction between sex and the dummy variable for immigrants, all other interactions and main effects, including sex, are statistically significant (at the 1% level) and have the predicted signs. In sum, we could note the following: the mean difference in hourly pay between men and women is larger for the residents of Attica than for the residents of the rest of the country. More specifically, the mean difference in natural logarithms for Attica residents is $0.035+0.090$, while for inhabitants of the rest of the country it is 0.090 , when the remaining interpreting variables remain constant. As far as the interaction between sex and sector of employment is concerned, we may note the following: the expected hourly pay of women in the public sector appears to be greater than the respective wage for men in the public sector, whereas the opposite occurs when hourly wage in the private sector is considered. According to the estimates in table 10 and keeping the values of all other variables constant, the mean difference of logarithms of hourly wage between men and women in the public sector is $-0.114+0.090$, whereas the mean difference between men and women in the private sector is 0.090 . In addition, the expected hourly wage for women ap-

pears to increase more with every added year of experience, in comparison to the respective increase in the wage of men. More specifically, based on results presented in table 10, the average difference in neper logarithms of the hourly wage between men and women by year of added experience is -0.006. Regarding the interaction of sex and experience, the mean difference in the hourly wage with each added year of experience appears to be greater for men, compared to that for women. The estimate for the interaction of squared experience and gender indicates that the linear effect of experience on the expected hourly wage decreases to a lesser degree as experience increases for men, compared to women. More specifically, the estimation of the squared effect of experience, given the difference in years of experience, is -0.00026 for men and -0.00036 for women. Additionally, the overall picture for the estimates of interaction between experience and gender appears to indicate a greater positive effect of experience on the expected hourly wage for men, compared to the respective positive effect on women.

5.3.4. Conclusions

As we have already underlined, this analysis is mainly conducted as a methodological exercise, indicative of the type of studies undertaken for the systematic “measurement” of discrimination, using econometric tools. Therefore, results are presented cautiously, since a complete evaluation would call for further analyses and tests of alternative hypotheses. However, it is interesting to make certain first observations.

- 1) Both models show the possibility of significant social discrimination in the formation of women’s incomes. The same applies, as was expected, in the case of immigrants.
- 2) As far as the Oaxaca-Blinder model is concerned, assumptions concerning the potential role of discrimination in the gender pay

gap match the findings of similar Greek surveys. Nonetheless, these older surveys find, contrary to the present work, that a significant part of the gap is rather due to the systematic effect of characteristics and coefficients than to potential social discrimination. A possible reason may be that these surveys are based on special surveys of ELSTAT regarding wages and salaries and not on the Labour Force Survey, which provides less accurate data on wages. However, we have no reason to assume that our relatively crude way of estimating hourly pay based on monthly wage levels, systematically favours one sex or the other.

- 3) As far as the “mixed” model is concerned, directly calculating the effects of gender, an older relevant study (Tsamadias & Heilas, 2001) did not find any significant effect of gender – unlike our own estimations. This is possibly due to the fact that we used data from 2011, when the impact of the economic crisis seems to have negatively affected women’s relative position in the job market – a fact that is also documented in the developments in unemployment indicators. Nevertheless, the substantial difference between the two studies remains unexplained.

6. The role of civil society organizations and of informal networks in combating discriminations

6.1. A theoretical, conceptual and empirical understanding of the role of civil society organizations¹²⁶

The idea of civil society has been established for a number of years as one of the most significant and fundamental concepts related to the processes of inclusive politics and democratization. This chapter presents a more critical evaluation of the current discourse on the role of organized civil society in dealing with discrimination. Despite the overall - theoretical and empirical - ambiguous nature of “civil society”, it became fashionable, especially from the early 1990s onwards, at every level of academic and policy discourse, both at the national and international level. For the better part of twenty years, a variety of agencies and institutions (national governments, financial organizations and corporations, donor agencies and so forth), appropriated and utilized the language of civil society (Calhoun 1993). In practical terms, civil society was linked to a variety of themes such as development, welfare, international aid, poverty, discrimination, environmental problems, gender, trafficking, inclusion, grassroots activism, self-organization and volunteerism, to name but a few. Additionally, in theoretical and political

¹²⁶ This sub-section was written by A. Afouxenidis, researcher at the Institute of Political Sociology, National Centre for Social Research

terms, the concept was related to questions of participatory democracy and the mechanisms of democratization, as well as to questions of domestic and global governance, international relations, and, importantly, subaltern politics and the processes of post-colonial and multicultural societal formations. Interestingly enough, the enthusiasm for “civil society” was shared by most, if not all, ideological factions. Neoliberals embraced the concept since it meant a shift away from the state into the so-called “third sector”, where private individuals and organizations could offer services in an environment of a self-regulated private economy. The centre-left also embraced the idea. Capitalism ought to be socially responsible, and civil society could have a positive effect on social solidarity and cohesion (Afouxenidis & Alexakis 2010). Even hardened critiques of capitalist development, saw a possibility in civil society as an emancipatory social force which could act as a platform of alternative political projects for organizing social and economic space, and as a potential driving force of social transformation.

6.1.1. Problematising civil society

In contrast to the previous fifteen years, the concept of civil society is, today, treated much more cautiously, by academic discourse, as well as by politicians and domestic or global institutions. This has to do with a number of factors, the most important of which are related to restrictions in available funds towards service delivery organizations such as NGOs (especially since the beginning of the global economic crisis in 2008), institutional weaknesses and capacity limitations on the part of civil society organizations themselves and, we could argue, a general political and cultural turn on the part of both policy decision-makers, local populations and funding organizations, away from idealized misconceptions of what “civil society” can and has *practically* achieved. This is quite clearly illus-

trated in the following passage which summarizes current thinking on this topic, at least on the part of donor agencies:

In sum, attitudes to NGOs have grown more complex, ambiguous and controversial. While NGOs were 'in' for some time—favoured by development donors—they have in recent years been pushed 'out' as policy makers, partly disappointed with the need to scale down expectations of what NGOs can achieve also all too ready to go searching for the next 'magic bullet', have—as Tvedt puts it—'fallen out of love' with the NGOs that they courted so vigorously during the 1990s (Lewis & Opoku-Mensah 2006, p. 669).

Similar analyses can also be found in countless documents of organizations such as the World Bank (1997), various national and international aid and/or funding agencies and even the UN (1998). In other words, the previously positive assessment of, for example, civil society organizations such as NGOs, has been withdrawn. A variety of issues were raised regarding the role of NGOs, questioning their capability in solving problems and more importantly raising doubts about their legitimacy and accountability within the political system (Chandhoke 2005, Edwards & Gaventa 2000).

The main paradigm which was promoted, namely a three-part model of state, civil society and the market coming together to combat poverty and/or discrimination in order to have development, seems to have retreated within the institutional and academic discourse. As Howell & Pearce (2002, p. 64) say, “while one broad set of ideas endorses the consensual nature of the triadic unity and presumes a fundamentally positive relationship between civil society and the market, the other set highlights the essentially conflictual character of the trinity and questions the assumed mutuality of civil society and the market”. In other words, the idea that capitalist democratic development inevitably gives rise to a vibrant civil society is strongly challenged. Additionally, the assumption that civil society

organizations are better placed and more effective than other agencies (such as the state) in the provision of welfare and/or protection to vulnerable groups, *without challenging* the basic principles of economic organization, has retreated. This last point has to be seen in the context of the years after 2008, when the global economic crisis broke out, which meant substantial decreases in budgetary allocations and funding towards civil society organizations, both within nation-states and internationally.

A further dimension to the above is the fact that there is no real empirical evidence to show how effective civil society organizations and *especially* NGOs are in reducing or alleviating social inequalities. It is virtually impossible to positively state that NGOs, are less or more capable from, say, the state, in combating discrimination or poverty and social exclusion. Quite simply, there are no data sets on this issue and the only method to construct such indicators is to look at the role of civil society organizations at the local level, thus rendering any comparable material highly problematic. It is interesting to note that international reports on this issue are clearly at odds in trying to evaluate and assess the – positive - contribution of NGOs in responding to various forms of discrimination. The following passage from a 2005 report, which discusses the capacity of NGOs in the new member states of the EU, is indicative:

It is difficult to assess the kind of NGOs working on anti-discrimination at national level. Anti-discrimination in itself does not seem to be an area of particular interest or a specific field of activity in most of the countries involved in the project. There are practically no organisations working solely on anti-discrimination. A rare number declare anti-discrimination to be their main task, but the majority only devote part of their activities to this issue. There are various reasons for this finding: lack of financial means, staff, information, training, etc., which will be dealt with later in this comparative analysis. It

seems that in some countries, anti-discrimination is a relatively new issue (the Baltic states, Malta, Cyprus and Turkey) and NGO involvement is in fact weak as the NGOs are still unaware of the role they can play and of the added value of working together (Cyprus, Estonia, Lithuania). Except in a few countries where cross-grounds networks have started to emerge, NGOs are ground specific and do work on discrimination in specific areas. They act very subjectively and independently of each other. In most of the countries (Bulgaria, Czech Republic, Estonia, Latvia, Poland, Romania, Turkey), NGOs dealing with anti-discrimination are either Human rights organisations or organisations affiliated with specific, vulnerable groups (for example in Poland and Romania, among others). The NGOs that work most actively on anti-discrimination as such, tend to have a focus on race and ethnic origin (it also appears that NGOs dealing with Roma issues are among the most significant). This is the case in Bulgaria, Cyprus and Hungary. In the Czech Republic, smaller NGOs tend to be more involved in anti-discrimination issues than larger NGOs (Situation of NGOs dealing with anti-discrimination in the new member states, Romania, Bulgaria & Turkey 2005, p. 2).

A more recent report published in 2010 by USAID, dealing with NGO sustainability around the world, confirms the contemporary contested view of the role of civil society organizations in protecting vulnerable groups:

On average, NGO sustainability in the Northern Tier countries (the Baltic and Visegrad countries and Slovenia) was unchanged compared to 2008. The situation of NGOs worsened slightly in Hungary, Lithuania, and Slovakia, while it improved somewhat in Slovenia, as the country's NGOs became more actively engaged in dialogue with the new government. In Hungary, the severe effects of the financial crisis combined with a serious political crisis to weaken NGOs. NGOs in Lithuania were also hit hard by the economic

crisis, which consumed the government's attention and undermined the progress of reforms that might have benefited the sector's development. The overall situation for NGOs worsened in Slovakia too. There, growing threats to free speech were among the factors creating a negative climate for NGOs.

In the Southern Tier (the countries of Southeastern Europe), the overall scores of the majority of countries remained unchanged. Croatia and Serbia saw their overall scores improve. Croatia's overall score increase reflected continuing progress in honing the legal environment and creating a solid infrastructure for NGO development. In Serbia, the situation improved during the year, as a result of greater cooperation with the government and passage of new NGO legislation. Albania was the only Southern Tier country to have a decrease in its overall score, primarily as a result of financial difficulties stemming from the continuing decline in international donor funds and the impact of the economic crisis on domestic resources.

The Eurasia region (Russia, West NIS, the Caucasus and Central Asia) also retained its average score from 2008. The country with the lowest overall score, Belarus, registered slight improvement, as did Azerbaijan, Tajikistan and Ukraine.

In Belarus and Tajikistan, score increases were partly due to improvements in the legal environment. Ukrainian and Azerbaijani NGOs both improved in the areas of organizational capacity, advocacy, and public image. Only Moldova had deterioration in its score, largely as a result of the tense environment in the country during two hotly contested rounds of parliamentary elections (The 2009 NGO Sustainability Index, USAID 2010, p. 1).

The current impasse in terms of theoretical, conceptual and empirical understanding of the role of civil society organizations, is partly caused by the fact that for a number of years the debate had

been *depoliticized*. Civil society is a normative concept, as well as an empirical reality, and in analytical terms the fusion of these two angles usually confused the core of the argument. In other words, it would be very useful, both in terms of research and theoretical evaluation, to *reposition* civil society and its organizational forms into the historical, spatial and social context, in order to gain a more rigorous understanding of the inner workings and the complex inter-relationships of the various agents that compose it.

6.1.2. Democratization or liberalization? Understanding the politics of civil society

The recent global recession has, inadvertently, generated a number of interesting discussions and debates concerning the nature of the political system. These multiple voices, coupled by a series of popular reactions, public and private sector strikes and smaller scale responses by various groups, indicate that there is a lot more depth to the notion of civil society than envisaged by instrumental approaches, which had essentially narrowed the concept down to particular organizational forms such as NGOs.

A large number of advisory bodies, capacity building programs, partnership projects, and the like, attempted with some significant success to operationalize civil society formations which, in turn, basically reduced their political realm into an issue of technical expertise. In instrumental terms, questions of democracy were – at best - anchored around topics of legitimacy and representation of these organizations and – at worst – many western governments and institutions, supported authoritarian regimes while at the same time called for civil society organizations to alleviate problems of human rights' violations, poverty and discrimination. A report by FAO¹²⁷,

¹²⁷ Food and Agriculture Organization

succinctly summarizes the inadequacy of international humanitarian aid, NGOs, and “global” governance in dealing with serious problems such as hunger:

Small import-dependent countries, especially in Africa, were deeply affected by the food and economic crises. Indeed, many countries are still in crisis in different parts of the world, particularly the Horn of Africa. These crises are challenging our efforts to achieve the Millennium Development Goal (MDG) of reducing the proportion of people who suffer from hunger by half by 2015. Even if the MDG were to be achieved by 2015, some 600 million people in developing countries would still be undernourished. Having 600 million human beings suffering from hunger on a daily basis is never acceptable. The entire international community must act today, and act forcefully and responsibly to banish food insecurity from the planet (The state of food insecurity in the world 2011, p. 4).

To add to the above, a recent ILO¹²⁸ report calling for a “fair and inclusive globalization” paints a bleak picture of the extent of poverty and discrimination around the world:

It is hard to understate the social challenges the world faces. In 2010, global GDP was ten times larger than in 1950 in real terms – an increase of 260 per cent per capita. Yet, despite the six decades of strong economic growth that followed the adoption of the Universal Declaration of Human Rights, access to adequate social protection benefits and services remains a privilege, afforded to relatively few people. Current statistics speak eloquently of widespread poverty and deprivation. About 5.1 billion people, 75 per cent of the world population, are not covered by adequate social security (ILO) and 1.4 billion people live on less than US\$ 1.25 a day (World Bank). Thirty-eight per cent of the global population, 2.6 billion people,

¹²⁸ International Labour Organization

do not have access to adequate sanitation and 884 million people lack access to adequate sources of drinking water (UN -HABITAT); 925 million suffer from chronic hunger (FAO); nearly 9 million children under the age of five die every year from largely preventable diseases (UN ICEF/WHO); 150 million people suffer financial catastrophe annually and 100 million people are pushed below the poverty line when compelled to pay for health care (WHO) (Social Protection Floor: for a fair and inclusive globalization 2011, p. xxi).

The liberalization of the global economic system run in opposition to democratic forms of inclusion, empowerment and social justice and substantially thwarted demands by civic groups, which were related to generating effective policies for marginalized and discriminated groups. And, in turn, liberalization further fragmented the public sphere and compartmentalized civic groups and organizations, rendering them weak in dealing with domestic actors (such as states), international institutions (such as the EU, or IMF) and global markets. The rhetoric of enlarged democracy and civil society participation was never really translated into political practice. Rumford (2003) makes a valid point when he describes EU understanding of “civil society”:

In fact, there is a major difference of understanding between the European Commission and the Economic and Social Committee (ESC). The latter displays an understanding of society rooted in the European Social Model and structured around the participation of social partners – representatives of labour and capital – and other groups characteristic of post-war industrial society. The European model of society assumes a specifically European social order, based on the mixed economy, civilized industrial relations, the welfare state, and a commitment to basic social justice, and driven by economic growth and the single market, which in turn act as a catalyst for institutional and social developments.

In contrast, the Commission has moved away from the European

model of society which it did so much to promote in the 1980s. It is emphasized that governance involves an interaction between multiple levels of the exercise of power, and the involvement of non-governmental actors in the policy-making process (Rumford, pp.32-33).

Subsequently, once the agenda shifts from the contour of democratization, onto the plateau of liberalization and operational mechanics, new types of discursive politics emerge. These are connected to two main questions: firstly, who are the main actors setting the agenda, and secondly, which, if any, are the perceived alternative ways in organizing social space, in order to combat discrimination under the present social and economic climate, thus reversing its effects.

In Habermasian terms, civil society was linked to what can be commonly called the public sphere, that is, the space in-between the state and society at large. This space can be anything, from discussions between friends, to public meetings, to media presentations, or to the exchange of ideas through the use of social networking and social media facilities. In other words, anywhere where communication is made public, as opposed to private. Public space transforms private points of view into public opinion. The origin of this idea is not new and it goes back to the 16th and 17th centuries, when the idea of the “state” was for the first time connected to the realm of the “public”. The state basically is in need of a “civil society” to get its messages across and, retrospectively, civil society has had things to argue about in relation to how the state functions. Public issues ought not be merely economic, or strictly political, but are also cultural, artistic and educational. The development of liberal capitalism entrenched, more or less, the idea that in the public sphere you should have a pluralism of voices and opinions. In practice however, what usually happened was that the “public sphere” became “privatized” by the representatives of, for example, large corporations and media groups, which promote their particular ideologies

and interest-group agendas. They are also a small but powerful part of the wider civil society. Therefore, the role of “*positional authorities*” (Said 1978), meaning those who have enough power to set the agenda and generate the necessary narrations and stories about reality, has to be critically re-evaluated and more rigorously researched.

On the other hand, multiple voices occupy the public sphere, generating a variety of narratives which are not always represented or *recognized* as part of an enlarged process of democratization. These voices are quite often at odds, not only with state and other similar organizations and with funding agencies, but, most importantly, they are in conflict and contestation between themselves. Quite often and on many occasions (Makumbe 1998), the civic groups which are called upon to play a part on issues such as discrimination, have themselves fallen victims of under-funding, discrimination and exclusion from the political process. The politics *within* and *between* civic groups are *just as important* as is their capacity to engage constructively in helping the disadvantaged. Questions such as whom does “civil society” and its organizational forms represent and, *more importantly*, in what ways will the needs and aspirations of vulnerable groups be protected by “civil society” in the present context of economic and social disorganization, have to be openly put forward in view of re-politicizing the debate.

6.1.3. Conclusion

The discourse on civil society runs both wide and deep and basically includes the general idea that civil organizations play a part in personal liberty, identity and social solidarity (Alexander 2007, Habermas 1984). In addition, contemporary thought focused on the idea that democratic institutions can develop at a local and global level, especially since the fall of totalitarian regimes and dictatorships. This meant that because of civil society and/or the “third sector”, power could come under some form of scrutiny by the citizens. However,

this concept has not worked in practice. Although there are many organized groups which have done a substantial amount of work both at the domestic and the international level, civil society *by itself* has not managed to protect or promote people's basic needs and interests. It has been constrained both by external factors (such as funding and resources) and by internal ones (such as competition and fragmentation). In the post 2008 period, perhaps the main political issue will be related to the exploration of new and alternative ways to reconstitute public space, political participation and social life.

6.2. Policies against discrimination: the role of the social partners' organisations¹²⁹

6.2.1. Introduction

This sub-section is addressing a task recently assigned to and taken up by social partners, namely that of combating discrimination and promoting equal opportunities in the field of employment. This task is clearly connected to the European and national law on the prohibition of discrimination on the grounds of religious or other beliefs, disability, age, sexual orientation, gender as well as on the grounds of racial or ethnic origin. The specific importance of this sub-section bears on the fact that:

a) the Economic and Social Council OKE is the responsible institution – provided for by the Greek Constitution – to conduct social dialogue through the formulation of Opinions and own-initiatives. OKE's members are divided into 3 Groups: Group I representing the “Employers”, Group II representing the “Employees” and Group III representing the “Various Interests” (farmers, self-

¹²⁹ This sub-section was written by Olga Angelopoulou, Apostolos Xyrafis, and Panos Alexopoulos from the Economic and Social Council (OKE).

employed persons, lawyers, doctors, members of the Technical, Economic and Geotechnical Chambers of Greece, consumers, gender equality, disabled people, environment protection, municipalities and prefectures). OKE's Opinions cover a broad variety of topics, ranging from economic, energy and environment to education, health care, immigration and social services issues,

b) regarding the discrimination issue, OKE publishes since 2005 an *Annual Report on the application of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation* (hereafter referred to as the Annual Report). When preparing this Report, OKE values the input of more than 40 civil society's organisations and various NGOs concerned with discrimination-related issues,

c) the employment field is one of the main fields where discrimination is prohibited. Social partners, as natural regulators of the workplace, are involved thereto in many manners (a) equal treatment becomes an issue of collective bargaining, a matter of agreement between employers and employees as a part of the work contract, (b) social partners at a higher level (European – national) obtain the task to communicate the new obligations and rights to their members or social partners at a lower level, (c) equal treatment is a topic of action towards the national and European authorities. Moreover (d) the institutionalised social dialogue embraces the combat against discrimination and strives for continued progress in the matter.

This sub-section is divided into two parts. The first part 6.2.2. introduces the findings and conclusions that have been drawn up from the field work that OKE has carried out within the framework of the project. More specifically, this field work included a questionnaire on the fight against discrimination¹³⁰ that the OKE developed in January 2011 and

¹³⁰ See Annex I

which was sent to different social partners' organisations – OKE members or not – with the aim to collect their own experience and their suggestions on this specific issue. The views and suggestions collected via the questionnaire were then further elaborated through an interview/discussion phase with representatives from local professional and social organisations in Greece. The second part 6.2.3. contains concrete policy recommendations to be implemented in order to better combat discrimination. These recommendations are inspired, on the one hand, by the social partners' proposals as those have been expressed through the OKE's field work, and, on the other hand, by the Annual Reports, relevant Opinions and other initiatives undertaken by the OKE.

6.2.2. The contribution of social dialogue to combating discrimination

This first part introduces the common views of social partners and of civil society's organisations participating in OKE – but not only – regarding the combat against discrimination in Greece. As already mentioned, those opinions and recommendations were gathered following a two-stage procedure. The first step consisted in sending a questionnaire on the fight against discrimination to social partners' organisations. The questionnaire was divided into four (4) chapters, namely (a) “tackling discrimination”, (b) “measures for vulnerable groups”, (c) “elderly workers” and (d) “the social dialogue” and it included both quantitative as well as qualitative questions. In total, the OKE received 27 completed questionnaires; 5 coming from Group I (“Employers”), 10 from Group II (“Employees”), 7 from Group III (“Various Interests”) and 5 coming from the participants in the focus group interview that took place in the city of Katerini (see below). The second step was the organisation of focus group interviews in various cities in Greece, namely in Athens, Katerini, Chania and Thessaloniki. The procedure consisted in asking specific questions to

the participants and, after a first round, they were invited to discuss and interact with each other. The aim of those focus group interviews was twofold: firstly, to explore and to better understand the discrimination phenomenon through a face-to-face dialogue and, secondly, to obtain the opinion of representatives of local social partner's organisations in order to approach the issue at the local level as well.

The present chapter is divided into two (2) sections; the first section portrays the responses obtained to each of the 44 questions included in the questionnaire. The number of responses coming from the 4 groups Groups (Group I, Group II, Group III and Katerini) is mentioned, as well as the percentage that this number represents compared to the total number of responses received. This description allows the identification of points of agreement and disagreement between the Groups. Additionally, this section also presents how the social partners' representatives justified their answer when they were asked to do so. The second section is devoted to the common views held between all the cities where a focus group interview was conducted and to the opinions expressed in each of the four cities. Finally, the main outcomes resulting from this social dialogue are presented.

A. Survey's results

Tackling discrimination

1st question: How would you assess the existing institutional framework in Greece regarding the fight against discrimination?

The answers given to this question are not unanimous. Out of a total of 27 responses, 12 (44%) consider that we have an "adequate" institutional framework in Greece, 13 (48%) an "inadequate" one, while in 2 cases, the respondents did not answer the question. It is interesting to notice the discrepancy between the Groups. As a matter of fact, a slight majority of respondents from Group I (3 out of

5), Group III (4 out of 7) and from Katerini (3 out of 5) answered “adequate”. Conversely, a significant number of respondents (7 out of 10) from Group II answered “inadequate”.

Regarding the shortcomings in the institutional framework, they mentioned that:

a) it is not implemented properly and the monitoring mechanisms are missing. The lack of political willingness, as well as the omissions and weaknesses in the legal system, are obstacles for its overall improvement,

b) it is not clear and it has not been conveyed to the society. Problems are also identified in the education and sensitisation on equal treatment questions,

c) in order to face the problem of discrimination in an effective manner, there is need for a regulated and smoothly evolving labour market, which is not the case in Greece. Existing regulations to tackle discrimination at work are mainly characterised by a punitive judicial intervention. Neither financial and administrative assessment nor reinforcement of the competent bodies is provided for the development of preventive actions. Apart from some exceptions, e.g. the Ombudsman, measures and actions, which have so far been adopted, are limited and still in an embryonic form,

d) there are deficiencies concerning the question of reconciliation between private and professional life and the question of the protection of immigrants, asylum-seekers and refugees.

For the enhancement of the institutional framework, the suggestions made concern the removal of the existing shortcomings (e.g. better and more effective implementation of the current provisions, the creation of monitoring mechanisms, the analysis and the implementation of recommendations formulated by international organisations and NGOs, more political and legislative implication, a change in the mentalities, the transfer, through a substantive social

dialogue, of good practices from other European countries). What is more, a respondent belonging to Group I recommended to “update” the meaning of discrimination, without however giving more details. Finally, it is necessary to reach a certain satisfactory level of awareness and sensitisation along with the development of a concrete national strategy for the fight against all kinds of discrimination.

2nd question: How would you assess the interest shown by your entity/organisation as regards the fight against discrimination?

The answers are quite divergent but a clear majority of respondents has either checked the box “particularly strong” (9 – 33%) or “strong” (11 – 41%). 6 (22%) answered “small” and 2 respondents did not answer the question.

More analytically, in Group I, 2 respondents answered “strong”, 2 “small” and 1 “particularly strong”. In Group II, 5 respondents answered “particularly strong”, 2 “strong” and 2 “small”; in Group III, 4 respondents answered “strong”, 2 “particularly strong” and 1 “small” and, finally, in Katerini, 3 respondents answered “strong”, 1 “particularly strong” and 1 “small”.

3rd question: Do you think that your entity/organisation can reap benefits from the fight against discrimination?

The vast majority (21 – 78%) answered positively whereas 3 (11%) (1 from Group I and 2 from Katerini) negatively and 3 did not answer the question. The respondent from Group I who answered negatively argued that, in the current (economic) context, the fight against discrimination constitutes a “luxury”. On the other hand, the positive answers referred to:

- a) the sense of justice that contributes to the work balance and development, the improvement of productivity and cooperation,
- b) the reinforcement of the social cohesion and the assurance of social order,

- c) the strengthening of trade unions,
- d) the employment of people belonging to vulnerable groups reinforces the support to the primary sector,
- e) within the context of corporate social responsibility, the contribution to the improvement of the corporate profile and the reinforcement of the sense of security enjoyed by all workers.

4th question: What kind of actions/activities to combat discrimination have been undertaken out by your entity/organisation?

The following actions/activities were mentioned (3 respondents did not answer the question):

- a) adoption of a specific action plan: 4 answers (2 from Group I, 1 from Group II and 1 from Group III),
- b) information and training sessions intended to staff: 9 answers (2 from Group I, 6 from Group II and 1 from Group III),
- c) continuous monitoring (i.e. through the collection of statistical data) of the diversity level among the employees in the entity/organisation: 4 answers (1 from Group I, 2 from Group II and 1 from Katerini),
- d) collaboration with other entities/organisations for the implementation of programmes aimed at combating discrimination: 14 answers (1 from Group I, 6 from Group II, 6 from Group III and 1 from Katerini),
- e) participation in international networks for the exchange of information and know-how on the fight against discrimination: 8 answers (1 from Group I, 3 from Group II, 3 from Group III and 1 from Katerini),
- f) provision of support services to people belonging to vulnerable groups: 15 answers (4 from Group I, 5 from Group II, 4 from Group III and 2 from Katerini),

Finally, a respondent from Katerini answered that his entity/organisation provides a nursing home.

5th question: Are all the members/employees aware of the involvement of your entity/organisation in the fight against discrimination?

The number of negative answers is clearly higher than the number of positive ones. More specifically, 16 (59%) respondents answered “no”, 9 (33%) answered “yes” and 2 respondents did not answer the question. In Groups I (3 “no” and 2 “yes”) and III (4 “no” and 3 “yes”) the difference is marginal. On the other hand, in Group II, the discrepancy is more important (7 “no” and 2 “yes”). Finally, in Katerini there is a balance between “no” and “yes” (2 answers for each one).

6th question: How do you communicate the results/impact of your involvement?

Group I through: press releases, publication of data on the organisation’s website, information sessions, the results are included in the organisation’s social report.

Group II does so via: actions aimed to sensitise and to raise awareness, press releases, press conferences, (oral) statements in plenary sessions.

Group III through/in: the organisation’s website, the monthly magazine, seminars, leaflets, press releases, the participation in European fora and programmes.

Katerini mentioned: press releases, annual report, implementation of specific activities.

7th question: Does your entity/organisation employ people belonging to vulnerable groups?

Out of 27 answers, 20 (74%) answered positively, 5 (19%) negatively and 2 respondents did not answer the question. The common points in the four groups are:

a) the relatively high level, on average, of employment of elderly workers¹³¹ and women, b) the relatively low percentage, on

¹³¹ In this questionnaire, “elderly workers” are workers aged 45+.

average, of young workers¹³², workers with a disability and immigrants, and c) the fact that none of the four groups employ people belonging to a minority group. More analytically:

Entities/organisations from Group I mainly employ elderly workers, with percentages ranging from 5% to 40% and women, from 30% to 70%. Conversely, they mostly do not employ any immigrants, about 2%. Finally, they work, on average, with around 8% of young workers and workers with a disability.

In Group II, respondents declared that they essentially work with elderly people, around 55%, and women, percentages ranging from 15% to 60%. They employ a very low percentage of workers with a disability, 0,4%. Finally, for what concerns immigrants and young workers, the percentage is also low with 4,8% and 7% respectively.

The same situation applies in Group III with a percentage of elderly workers and women fluctuating from 3% to 50% and from 30% to 100% respectively. The percentage for immigrants ranges from 2% to 20%. Young workers and workers with a disability account, on average, for 5% of the total.

Finally, in Katerini, local entities/organisations employ, on average, 33% of elderly workers and 65% of women. They also have 10% of people with a disability and 4% of young workers.

8th question: Which positions do workers belonging to vulnerable groups hold in your entity/organisation?

Apart from one respondent who did not answer the question, the other respondents gave the following information:

In Group I, they work as office staff, accountant, researcher, receptionist or in the sales department.

¹³² In this questionnaire, “young workers” are workers aged between 18 and 25.

In Group II, people with disabilities are employed as a telephone operator and a porter, in the cleaning sector or as administrative staff.

In Group III, workers belonging to vulnerable groups hold a position in the cleaning sector, in the agricultural sector and in all the administrative services.

In Katerini, they work as office staff and in the finance department.

9th question: Do workers belonging to vulnerable groups hold a senior position in the hierarchy of your entity/organisation?

Most responses are positive (13 – 65% “yes” and 6 – 30% “no”), while one respondent did not answer the question. There is one negative answer in Group I and Katerini, 2 negative answers in Group II and III.

10th question: Has your entity/organisation set specific quantitative targets for the employment of workers belonging to vulnerable groups?

Most responses are, in this case, negative (19 – 70% “no” and 4 – 15% “yes”) while 4 respondents did not answer the question. One positive answer came from Group I and 3 from Group II, with the respondents specifying that those targets refer to people with disabilities, young and elderly workers and women.

11th question: What do you think should be avoided during the recruitment process in order to prevent any sort of discrimination?

A common reference in all Groups was that all kinds of standardised approaches should be avoided. On the contrary, emphasis should be given to qualitative and specialised evaluation criteria, as for instance skills, qualifications and work tasks.

Furthermore, Group I pointed out that any personal feeling and bias must be banished from the recruitment process and Group III

that people with political views contrary to the principle of equal treatment should not take part in the selection committees and, finally, that criteria like the candidates' age or ethnic origin should not be taken into account.

12th question: Is there any difference in the salaries according to whether or not an employee belongs to a vulnerable group?

23 (85%) out of 27 answers were negative, 2 (7%) were positive and 2 respondents did not answer the question. One positive answer was given by Group I and one by Group II, whose respondent justified the existence of this difference for economic reasons.

Measures for vulnerable groups

People with a disability

13th question: Has your entity/organisation invested in infrastructure to improve the working environment for workers with a disability?

A clear majority of respondents answered "yes", namely 14 (52%), while 10 (37%) answered "no" and 3 respondents did not answer the question.

In Group I, 3 respondents said "yes" and gave as examples of infrastructure equipped toilets, ramps and lifts as well as an occupational physician. The 2 negative answers were justified by the impossibility to make any intervention in the building because it is a listed building and by the fact that the entity/organisation is not employing, for the moment, any worker with a disability.

Group II gave the same kind of answers than Group I whereas the 3 respondents who answered negatively did not give a reason.

Like Group I and II, Group III and Katerini have made the same

investments in infrastructure. The 3 respondents from Group III and 1 of the 2 respondents from Katerini who answered “no”, explained that their entity/organisation has currently no worker with a disability.

14th question: Are you aware if a worker with a disability, in your entity/company, has ever been a victim of a jeer?

Most of the respondents, 19 (70%), answered “no” to this question. 3 (11%) answered “yes” and 5 respondents did not answer the question. There was one (1) positive answer in Group II, in Group III and in Katerini.

Age

15th question: Are you aware if an elderly worker (+45), in your entity/company, has ever been a victim of a jeer?

Almost all the respondents, 24 (89%), answered “no” to this question. 1 (4%) respondent from Group I answered “yes” and 2 respondents did not answer the question.

16th question: Does your entity/organisation hire young people without previous work experience?

The positive answers in the four Groups are significantly higher than the negative ones. 22 (81%) respondents checked the answer “yes”, 4 (15%) “no” and 1 respondent from Group II did not answer the question. More specifically, from Group I, all the 5 respondents answered “yes”. From Group II, 7 said “yes” and 2 “no” explaining that their entity/organisation is a Public Entity or that they have so far never hired young workers. From Group III, there were 6 positive answers and one negative, with the justification that recruitments of workers are done through the Supreme Council for Civil Personnel Selection (ASEP). Finally, from Katerini, there were 4 positive answers and one negative. The latter is due to the 4 nature

of the job and to the regulatory framework which require previous work experience.

Family life

17th question: Does your entity/organisation support a flexible work time planning for parents with children?

Like the previous questions, there is a considerable discrepancy between the positive and the negative answers. 24 (89%) answered “yes”, 1 (4%) respondent from Group II answered “no” due to costs and 2 respondents from Group II did not answer the question.

18th question: Does your entity/organisation encourage the use, by male workers, of the parental leave right?

A vast majority, 18 (67%), of the respondents declared “yes” while 4 respondents said “no” and 5 did not answer the question. 2 negative answers can be found in Group I because, as they explained, no male worker has so far asked to use his parental leave right. 2 negative answers can also be found in Katerini for the reason that – as they explained – this right is generally granted only to women.

Immigrants/People belonging to a minority group

19th question: Does your entity/organisation employ immigrants?

The general answer to this question was negative. 17 (63%) answered “no” mainly from Group II, III and Katerini. 8 (30%) said “yes” and 2 respondents did not answer the question. In Group I, there is a balance - 2 positive and 2 negative answers. In Group II, 6 respondents answered negatively and 3 positively. In Group III, 5 “no” and 2 “yes” and in Katerini 4 “no” and 1 “yes” (this only positive answer does not seem to agree with the answer in the question

n^o7, where nobody from Katerini gave a percentage of immigrant workers).

As far as the immigrants' nationality/country of origin is concerned, they essentially come from South-Eastern and Eastern Europe. More specifically, Group I mentioned Bulgaria, Georgia and Russia; Group II Albania, Poland, Bulgaria, Egypt and countries from Asia and Africa; Group III mentioned Albania, Ukraine and Bulgaria and finally Katerini said Albania and Bulgaria.

20th question: Are you aware if an immigrant worker, in your entity/organisation, has ever been a victim of a jeer?

21 (78%) out of 27 respondents answered "no" with only 2 (7%) respondents (1 from Group II and 1 from Katerini) being aware of a jeer case. 4 respondents did not answer the question.

21st question: Does your entity/organisation pursue a diversity policy?

A slight majority of the 27 respondents, namely 14 (52%), answered "no". Comparatively, the positive answers are relatively low, 7 (26%), and the 6 respondents who did not answer the question represent a relatively high figure. One positive answer was given from Group I and 3 from Group II and Group III respectively. In Katerini, nobody answered positively.

Elderly workers

22nd question: How does the employment of elderly workers (+45) affect your entity/organisation's performance?

The vast majority of respondents from Group I, II, III answered "positively" to this question. In total, 20 respondents (74%) said "positively", 7 (26%) "neutrally" and nobody from the 4 Groups answered "negatively". In Group I, 4 respondents checked the answer "positively" and one the answer "neutrally". In Group II, 7 said

“positively” and 3 “neutrally”. In Group III, all the 7 respondents answered “positively”. Finally, in Katerini, 2 said “positively” and 3 “neutrally”.

To justify the positive impact of elderly workers on their entity/organisation’s performance, the respondents gave the following explanations:

- a) entities/organisations can leverage elderly workers’ knowledge, experience, serenity and maturity.
- b) elderly workers are more responsible, they better communicate and manage their time,
- c) respondents pointed out the importance and the necessity of combining the younger workers’ performance with elderly workers’ skills. In that context, a respondent from Katerini referred to the ‘mentoring’ function as a useful tool in enhancing the organisation’s performance.

23rd question: Taking advantage of « older » workers' experience is a practice that you consider:

26 (96%) out of 27 respondents consider this practice as being either “very important” (15 responses – 55%) or “important” (11 responses – 41%). One respondent from Group II answered “neutral”. The majority of respondents from Group I (3 out of 5) and all in Katerini see this practice as “very important”. On the other hand, a slight majority of the respondents from Group II and Group III answered “important”.

24th question: Have mechanisms/tools for knowledge transfer been provided for in your entity/organisation?

Approximately all the respondents (23 – 85%) said “yes”, while 2 (7%) said “no” (one from Group II and one from Group III) and 2 respondents from Group II did not answer the question.

25th question: How do you assess the "older" employees working in your entity/organisation?

The answers given to this question are equally shared out between those who assess older workers as being “productive” (13 answers – 48%) and those who consider them as being “equally productive as the others” (14 answers – 52%). In Group I and in Katerini most of the respondents answered “productive”. Conversely, in Group II and Group III, the majority of the respondents said “equally productive as the others”.

26th question: The mentality in Greece regarding the employment of people over 45 is according to you:

Like the previous question, the answers are more or less uniformly divided into the three options. 8 (30%) respondents think that the mentality is “positive” and “negative” respectively. 11 (40%) respondents answered “neutral”. Apart from one respondent in Group I who checked the answer “negative” and one respondent in Katerini who said “positive”, the other answers in all Groups are evenly divided between the three options.

27th question: Are you aware of any institutional measure, incentives or legislation that can help a company in retaining the employment of workers over 45?

The positive answers (14 – 52%) were higher than the negative ones (12 – 44%). There was one respondent from Group II who did not answer the question. In Group I and Katerini, 3 out of 5 respondents respectively answered “no”. On the other hand, the majority of the respondents from Group II and Group III are aware of some concrete measures.

When asked what these measures are, they referred to:

a) (only respondents from Group I) some specific articles of the existing European and national regulatory framework and more spe-

cifically to Directive 2000/43/EC and Directive 2000/78/EC at the EU level and to Law 3304/2005, Law 3061/2002, Law 3520/2004, Law 1892/90 and Law 2639/98 at the national (Greece) level,

b) some specific programmes and incentives from the Ministry of Labour and the Manpower Employment Organisation (OAED), e.g. incentives for hiring long-term unemployed aged 50+, possibility for employers to receive a grant from the Manpower Employment Organisation on the basis of employment and self-employment programmes for unemployed people (those programmes being financed by European and national resources). However, a respondent from Group II emphasised the fact that many of those incentives and measures are sketchy because they are taken within and because of a given context, e.g. a crisis in a specific sector.

c) a respondent from Group II explained that in many cases elderly workers retire because of the pension system, of the workforce management policy and because of changes regarding the organisation of work. Active policies to promote employment of older workers are not part of an independent design but they are included in all the policies aimed at promoting the employment and the reintegration of unemployed people in the labour market.

28th question: How, do you think, can a company be sensitised on the necessity to retain the employment of elderly workers?

All respondents from the 4 Groups pointed out the importance of providing incentives (institutional, tax, economic) and of taking advantage of and transmitting elderly workers' experience. In Group I, they also mentioned the usefulness of the continuous vocational training and the necessity for elderly workers to become familiar with new means and methods of production and with the new technologies. In Group II, respondents referred to the necessity to better inform and sensitise employers in an effort to change mentalities and to avoid stereotypes.

29th question: What do you think are the factors that impact negatively on the elderly workers job retention?

To this question, respondents mainly answered “adaptation to the new technologies” (16 answers – 3 from Group I, 4 from Group II, 5 from Group III and 4 from Katerini) and “the lack of flexibility” (11 answers – 3 from Group I, 2 from Group II, 2 from Group III and 4 from Katerini). In addition, some respondents said “the difficult access to knowledge” (4 answers – 1 from Group I, 2 from Group II and 1 from Katerini), while 1 respondent from Group II did not answer the question. Finally, 8 respondents (from Group I, Group II and from Katerini) gave another explanation and notably the high wage and insurance costs.

30th question: In the design of your entity/organisation’s future strategy, elderly workers are considered as:

The same number of respondents (12 – 44%) answered “an important factor” and “neutral”. The explanations given were essentially the experience that elderly workers can bring to the future strategy (Group I) and the fact that assessment is not made on the ground of age but rather on the ground of performance at work irrespective of any age criterion (Group III). One respondent from Katerini said “a negative factor”, arguing that the wage cost for elderly workers is comparatively higher than what they actually offer at work. 2 respondents from Group II did not answer the question. More analytically, in Group I and Group II, the majority said “neutral” whereas in Group III and Katerini most of the respondents answered “an important factor”.

The social dialogue

31st question: Did your entity/organisation participate in any action/activity that took place in 2007 during the European Year of Equal Opportunities for All?

A slight majority of the respondents (12 – 44%) answered “yes”. 10 respondents (37%) answered “no” and 5 did not answer the question. Representatives from Group I, who all answered “yes” to the question, mainly mentioned the participation of their entity/organisation at the EQUAL Community Initiative programme. In Group II, 3 respondents answered positively with one of them explaining that his entity/organisation organised in 2007 a 3-days conference focusing on the immigration issue in order, on the one hand, to raise awareness and to introduce some good practices to deal with this question and, on the other hand, to trigger off a dialogue between all parties involved in this issue. From Group III, 4 respondents said “yes” with one of them mentioning that his entity/organisation supported the positions adopted by the European organisations and bodies representing the local governments’ interests (Committee of the Regions, Council of European Municipalities and Regions).

32nd question: Do you agree with all the provisions in the new Proposal for a Council directive of 2 July 2008 (COM/2008/426)?

All the respondents who answered the question said “yes” (21 – 78%). 6 respondents did not answer the question.

33rd question: To what extent do you consider that, in the past few years, the State has promoted the social dialogue on the discrimination issue?

Nobody from the 4 Groups answered “intensively”. On the opposite, 16 respondents (59%), meaning the majority from Group I, Group III and Katerini, answered “satisfactory” and 11 (41%) said “insufficient”. From Group II, the same number of respondents (5) answered “satisfactory” and “insufficient”.

Those who said “insufficient” argued that:

a) the dissemination of information on the discrimination issue is not broad enough,

b) the appropriate attention has so far not been paid to this issue and there is no concrete plan on how to implement the results coming from this dialogue.

34th question: The ESC (OKE) publishes an “Annual Report on the application of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation”. In that context, has your entity/organisation ever submitted proposals on how to improve the fight against discrimination?

Nine (33%) out of 27 respondents answered positively and 13 (48%) negatively, with 5 respondents not answering the question. Only in Group I, the majority of the respondents (4) said “yes”, explaining that their positions were already included in OKE’s Opinions. A respondent from Group II said that his entity/organisation supports the development of a formal inclusive labour market and the promotion of employment as an œcumenical right. In that context, his organisation has submitted a comprehensive set of general (refer to discrimination having similar and common characteristics and which can be fought in similar ways) and specific proposals (i.e. based on specific characteristics of different forms of discrimination). Finally, a respondent from Group III said that his entity/organisation agrees with OKE’s Reports.

35th question: If your entity/organisation did submit proposals to the ESC (OKE), do you know if those proposals have been implemented?

Six respondents answered “yes”, 2 (one from Group I and one from Group II) “no” and one respondent did not answer the question. A respondent from Group II pointed out that OKE’s proposals have difficulties to be implemented in the province, without giving further explanations.

36th question: In which form do you consider that the social dialogue contributes most in the fight against discrimination?

To this question, respondents mainly answered “collaboration in supportive policies for vulnerable groups” (19 answers – 3 from Group I, 6 from Group II and Group III, 4 from Katerini). In second position, respondents checked the answer “collaboration in information and awareness raising campaigns” (18 answers – 4 from Group I, 5 from Group II, 6 from Group III and 3 from Katerini). There were 16 answers in total for “collaboration in policies aimed at eradicating discrimination in the labour market” (16 answers – 3 from Group I, 6 from Group II, 4 from Group III and 3 from Katerini). In addition, there were also 15 answers for “scientific studies and researches” (3 from Group I, 5 from Group II, 4 from Group III and 3 from Katerini) and 13 answers for “a wider dialogue at the national and European level regarding the question of equality and of equal opportunities” (3 from Group I, 4 from Group II, 5 from Group III and 1 from Katerini). Finally, a respondent from Group II added that companies adopting policies aimed at combating discrimination should be awarded.

37th question: How is the dialogue on the discrimination issue structured in your entity/organisation?

Most of the respondents said “exchange of opinions with the workers/members” (17 answers – 4 from Group I, 5 from Group II, 6 from Group III and 2 from Katerini). In second position, they answered “exchange of opinions with trade unions” (15 answers – 3 from Group I, 7 from Group II, 3 from Group III and 2 from Katerini). Finally, there were 11 answers for “organisation of a conference on the discrimination issue” (2 from Group I, 5 from Group II, 3 from Group III and 1 from Katerini) and 2 answers for “through questionnaires” (1 from Group I and 1 from Group II).

38th question: Are you aware of any activities and initiatives to combat discrimination conducted by trade unions in Greece?

A small majority of respondents (14 – 52%) answered positively, while 13 (48%) respondents said “no”, mostly from Group I and from Katerini. Respondents mentioned trade union organisations [however – except one respondent – without giving further details on initiatives and activities that were organised] like the General Confederation of Greek Workers (GSEE), the Labour Centre of Athens, the Hellenic Federation of Bank Employees Unions (OTOE) and the Panhellenic Federation of Police Officers (POASY).

39th question: Are you aware of any activities and initiatives to combat discrimination carried out by companies in Greece?

A significant number of respondents (21 – 78%) said “no”, whereas 5 (18%) answered “yes” and one respondent from Group III did not answer the question. A respondent from Group III referred to the protection of people with a disability and the activities carried out by the Corporate Social Responsibility (CSR) network.

40th question: Are you aware of any activities and initiatives to combat discrimination carried out by entities/organisations from the civil society in Greece?

Responses to this question are shared out between positive (12 – 44%) and negative (10 – 37%) ones with 5 respondents who did not answer the question. Like the two previous questions, respondents referred to some entities/organisations without however specifying activities and initiatives. They mentioned the Research Centre for Equality Issues (KETHI), the Labour Institute of the General Confederation of Greek Workers (INE/GSEE), the Greek Ombudsman, organisations representing people with disabilities, NGOs. A respondent from Group II pointed out that civil society organisa-

tions cooperate at national and European level towards the better protection of vulnerable groups' rights.

41st question: Are you aware of any activities and initiatives to combat discrimination carried out by international organisations?

The answers given to this question are almost equally divided between “yes” (12 answers – 44%) and “no” (11 answers – 41%), while 4 respondents did not answer the question. Respondents from Group I mentioned activities carried out by the International Labour Organisation (ILO) like the “ILO Vision on Gender Equality” or the “ILO Gender Audits”, and by UNESCO like the “Priority Gender Equality Action Plan for 2008-2013” or the “Gender Equality: Strategies that Work”. From Group II they mentioned UNICEF (without specifying any concrete activity) and they noticed that international organisations are very active and involved in the discrimination issue, they contribute to improving the knowledge on this issue through numerous research programmes, they support civil society organisations and NGOs and they promote the exchange of good practices. Finally, respondents from Group III and from Katerini referred to the United Nations (UN), the Red Cross, the Council for Refugees and the International Organisation for Migration (IMO).

42nd question: Are you aware of any activities and initiatives to combat discrimination carried out by European institutions and bodies?

The same number of respondents (12 – 44%) answered “yes” and “no”, while 3 respondents did not answer the question. From Group I, they mentioned the “Disability Strategy 2010-2020”, the “EU Journalist Award 2010 – Together against discrimination” and the EQUAL Community Initiative programme. From Group II, a respondent explained that the EU carries out information campaigns at the EU-level in order to sensitise all parties concerned with the discrimination issue, it finances researches and cooperates with national governments,

companies, trade unions and NGOs. Finally, from Group III, they referred to [without giving any details] the European Commission and to the European Economic and Social Committee (EESC).

43rd question: The design and the implementation of policies to combat discrimination is a matter of:

Almost all respondents (25 – 92%) agreed that is a matter of both employer and employees, arguing that the collaboration between them will guarantee the compliance with policies to combat discrimination. One respondent (4%) from Katerini answered that it is exclusively a matter of the employer, without however explaining why, while one respondent from Group II did not answer the question.

44th question: On which issues do you think it is necessary to further develop the social dialogue?

Most of the respondents answered “protection against dismissal” (18 answers – 1 from Group I, 9 from Group II, 4 from Group III and 4 from Katerini) and “lifelong education and training” (18 answers – 4 from Group I, 7 from Group II, 4 from Group III and 3 from Katerini). There were in total 15 answers (2 from Group I, 5 from Group II, 5 from Group III and 3 from Katerini) for “incentives for career and mobility” and 13 responses (2 from Group I, 4 from Group II, 4 from Group III and 3 from Katerini) for “salary equals productivity”. In addition, “flexible working times” collected 11 answers (4 from Group I, 3 from Group II, 2 from Group III and 2 from Katerini) and “work reorganisation” gathered 6 responses (3 from Group II, 2 from Group III and 1 from Katerini). Finally, one respondent from Group II answered “a permanent job with Eurozone-level salaries” and another respondent from the same Group stated “to tackle the economic and financial crisis and to focus on the wage cost and on competitiveness”.

B. Focus group interviews

As already mentioned, focus group interviews were organised in four (4) different cities in order to better understand social partner's points of view and to have a local perspective about the discrimination issue. Respondents from the four focus groups were interested in learning more about the *Observatory on Combating Discrimination* and some of them expressed their willingness to participate in the latter.

Athens (x 2)

The focus group interviews in Athens were held in spring 2011 at the OKE's premises with the participation of OKE's members. The latter mentioned that:

- concerning the issue of labour market discrimination, in a sense, it is a real problem which cannot be solved due to an inadequate legal framework and to ineffective monitoring mechanisms. A second respondent explained that this issue is partly a real problem and partly a hypothetical one. He argued that some vulnerable groups, like the immigrants working in the agricultural sector, are at a disadvantage (e.g. unclear legal framework regarding their insurance when they are employed in various jobs), but also at an advantage (e.g. they receive high salaries) compared to Greek farmers. Another view that was expressed emphasised the fact that some vulnerable groups are more discriminated against than others. More specifically, workers aged 50+ (access to new technologies), immigrants (insurance problems) and people with a disability (necessity to improve the institutional framework as regards their access to the labour market, particularly in the private sector) are the most vulnerable among all the vulnerable groups,

- the combat against discrimination has a positive impact on the economic and social progress because it guarantees social cohesion and social solidarity,
- vulnerable groups are very often victims of racist comments and stereotypes. Some examples are the persistent remarks on a person's disability, stereotypes for immigrants according to their origin (the same comment was made in Katerini – see below) or comments on women's external appearance and their capacity to combine their professional life with their "mother obligations",
- different opinions were expressed regarding professional organisations' involvement in the fight against discrimination. One participant explained that those kinds of organisations try as much as they can to resolve discrimination issues. On the opposite, another participant argued that their actions and activities are insufficient, with the exception of elderly workers. A third view was that trade unions neither have a clear strategy for the combat against discrimination, nor the required solidarity towards the vulnerable groups,
- finally, participants in Athens noticed that Greece may be "in front" in the fight against discrimination compared to other European countries, if one takes into consideration cases like, for instance, the increase of xenophobia in some Scandinavian countries.

Katerini

The focus group interview held in the city of Katerini took place in March 2011. Representatives from different local professional organisations who answered the questions emphasised the following points:

- the combat against discrimination should not be a priority in the current context given the economic and financial crisis,
- as far as specific vulnerable groups are concerned, respondents pointed out that *women* are not equally productive and collaborative as men, while they are more ambitious regarding their career. For the persons belonging to the *LGBT* group, they emphasised the difficulties for them to stay in Katerini which is a closed society. The same view was expressed in the city of Chania, where people added that most of the *LGBT* persons leave the city and move to Athens in order to find a job, principally in the artistic field (e.g. dj, barman/barwoman, etc.). For *people with a disability*, respondents from Katerini mentioned that the overall situation has improved; there is a better sensitisation on problems that this vulnerable group faces on a daily basis. As for *elderly workers*, they are considered to have rigid views and attitudes and to not easily adapt themselves to the new technologies. They added that for a worker aged 55+ to lose his/her job is a catastrophe since an employer will prefer to hire for the same salary two young workers rather than one elderly worker. Finally, regarding *immigrants*, respondents said that stereotypes have been developed according to their origin,
- organisations representing the employers, the employees or other professions don't do anything special in order to sensitise and to raise awareness among their members about discrimination issues. It was mentioned that local chambers of commerce and trade associations do take interest in discrimination-related issues, without having however taken any important initiatives,
- as for the question if, compared to other European countries, Greece is "at the front" or rather "behind" in the fight against

discrimination, respondents from Katerini said that what really matters is where we stand in relation to the goals we have set and the problem is that, in Greece, clearly predefined long-term targets are missing in all fields of the society.

Chania

The focus group interview in the city of Chania took place in April 2011. Participants represented different social and professional organisations from Chania. The main comments that were made at the discussion were:

- unlike what respondents said in Katerini, respondents in Chania stated that the combat against discrimination should always be a priority,
- regarding the vulnerable groups, they wondered if one can consider the *drug addicts* as people having a disability and hence as a vulnerable group. Furthermore, respondents stated that *immigrants*, *elderly workers* and *women* are currently those who are facing the stronger discriminations in Chania. Conversely, discrimination on the ground of religious belief is very rare in Chania,
- social services taking care of unfortunate people are also in a way discriminated against, in the sense that they are not considered as important as other public services,
- respondents emphasised that, in Greece, (discriminated) people are not aware of the law provisions, their rights and their obligations. In this context, it is necessary to create a bank of information on the discrimination issue,
- tackling discrimination falls first and foremost under the State responsibility and therefore State support is essential when local social and professional organisations take actions and activities,

- the current economic crisis in Greece has led to changes in the labour market. Nowadays, for example, graduates are willing to work as street sweepers, a job that was done in the past essentially by foreign/immigrant workers. Moreover, poor people become very often victims of discrimination,
- finally, Greece was said to lag behind in the fight against discrimination especially when compared to countries like Switzerland.

Thessaloniki

The focus group interview held in Thessaloniki followed an open debate with the title “Fighting discrimination: The role of civil society” organised in June 2011 by OKE together with the Municipality of Thessaloniki and the National Centre for Social Research. Below are some of the main points made by the participants:

- apart from their concerns about (general) law enforcement in Greece, respondents mentioned the shortcomings in the judicial protection of the victims of discrimination. More specifically, they pointed out that judges are not familiarised enough with the relevant legislation and that court rulings take considerable time to be issued,
- regarding the legal framework, it must be simplified and streamlined. Moreover, new kinds of discrimination appear which therefore require new laws containing provisions such as the right to information and access,
- the current economic and financial crisis in Greece prevents an effective fight against discrimination. As far as specific vulnerable groups are concerned, *women* have experienced, in the recent past, an improvement in their working conditions, improvement which has been slowed down by the crisis (e.g. cases of pregnant women in the private sector being discriminated

against). *Elderly workers* still face problems, whereas *young workers* are poorly paid and have difficulties to enter the job market. There is a lack of financial resources to invest in infrastructures for *people with a disability*. Many *immigrants* have now been integrated in the Greek production process, principally in the building sector. Finally, respondents from Thessaloniki added that new vulnerable groups have recently emerged. These new groups include single-parent families, poor unemployed people, indebted households or self-employed people who do not have access e.g. to unemployment benefits,

- respondents in Thessaloniki mentioned that local employers, employees and other organisations representing the local organised civil society have undertaken actions and activities, principally via the Corporate Social Responsibility (CSR) and aimed at sensitising their members. Finally, they pointed out the necessity to coordinate all the actions and activities against discrimination which are carried out by different organisations.

6.2.3. Findings of the field work

The responses, comments and opinions emanating from this field work allow the formation of a clearer picture on the current situation in Greece regarding discrimination, with its shortcomings and its needs. Although the responses gathered were numerous and various, a number of common positions emerge:

- All respondents recognised the existence of the discrimination issue, without however having always the same position regarding the priority that should be given and the means that should be used in order to tackle it. Although the main position considers the combat against discrimination as a means for the reinforcement of social cohesion and for the assurance of social order and justice, some think that – within the

current economic context – issues like discrimination should not be a priority.

- Regarding the organisations they represent and, in more general terms, civil society organisations, participants mentioned that they have showed and continue to show an interest about the discrimination issue. However, all organisations have not got involved to the same degree in actions aimed at raising awareness and sensitising their members. Moreover, a number of respondents mentioned the importance of the CSR which helps companies to improve their corporate profile. In addition, most of social partners' organisations which undertook activities in the past to combat discrimination did it mainly through the collaboration with other entities/organisations for the implementation of programmes aimed at combating discrimination and by offering support services to people belonging to vulnerable groups.
- Respondents emphasised that the Greek State must be the first concerned and involved in tackling discrimination, while also providing the appropriate legal and economic support and means to allow social and professional organisations to take effective measures in that direction.
- Concerning specific vulnerable groups, participants pointed out that young and elderly workers, women, people with a disability and immigrants, are all potential victims of discrimination, with some, like women or elderly workers, being more exposed than others. In the opposite direction, the discussion about some other vulnerable groups, like the LGBT, seems to be more a taboo, especially in the small and closed societies, whereas very few opinions were expressed regarding discrimination on the grounds of religious or other beliefs or of belonging to a minority group (a possible explanation could be that those cases are more

difficult to be identified). What is more, it was mentioned that stereotypes on specific vulnerable groups have evolved regarding for instance immigrants' origin or women's external appearance.

- The vast majority of participants in this social dialogue emphasised the existence of important shortcomings in the legal framework, characterised as being too complex and not easily enforceable, and in the institutional framework where enforcement and monitoring mechanisms are missing or do not work properly. Most of the interviewed people showed a relative lack of awareness regarding the provisions included in the European and national legislation dealing with discrimination-related issues. In that context, some people didn't know, for instance, that it is prohibited to post an ad to rent an apartment which explicitly excludes certain people on the grounds of their gender or their ethnic origin. Some other people were confused about what is actually permitted or not.
- Another issue that was highlighted is the lack of a truly political will and involvement to tackle the discrimination issue. Furthermore, respondents pointed out the necessity to change people's mentality and education and the need to better sensitise and inform them on this specific issue.
- Many participants argued that, in some professions, discriminations are unavoidable. They notably gave as an example a job where workers are asked to carry heavy bags and hence the difficulties that women or an "older" worker could experience.
- As regards the practice of the anonymous curriculum vitae (CV), most of the respondents agreed that is a politically correct measure that would have little chance of being implemented in Greece, mainly because people are not ready to

accept such a recruitment procedure. In addition, the latter is said to be meaningless since the employer will see the candidate employee.

- Finally, a general consideration was that the current economic and financial crisis has worsened the situation, e.g. concerning the access to the labour market or the protection against dismissal, for people belonging to a vulnerable group while new kind of discriminated groups, like the single-parent families, have appeared.

6.2.4. Generally accepted measures and policy recommendations

The present chapter includes all generally and commonly accepted measures and policy recommendations expressed by the social partners, whether employers, employees, self-employed, farmers or other. The common views derive (a) from the field work conducted by OKE and (b) from OKEs Annual Reports as well as the National Social Development Agreement. The agreed proposals are the following:

- The legal provisions should be better implemented. This is one of the proposals most frequently expressed. Specific measures proposed are the following: creation and/or significant improvement of monitoring mechanisms, analysis and implementation of recommendations formulated by international organisations and NGOs, more political and legislative implication, change in mentality, the transfer, through a substantive social dialogue, of good practices from other European countries.
- The monitoring of the labour market in Greece should be enforced and it should become more effective. Monitoring authorities should be better organised and better coordinated. The lack of coordination is one of the most often mentioned

shortcomings. Moreover, regulations to tackle discrimination at work are mainly characterised by a punitive judicial approach. Neither financial and administrative assessment, nor reinforcement of the competent bodies are provided for the development of preventive actions.

- The legal framework must be updated and streamlined. New kinds of discrimination emerge, especially in the current context of financial crisis and this development requires new and modern laws. The new development has two aspects: the first aspect is that there are new groups which face the danger of social exclusion and who lose their access to basic goods and services, but cannot be considered as victims of discrimination under the present legal framework: single parents, poor unemployed, households in debt etc. The other aspect refers to persons excluded from general services, such as e.g. people with restricted visibility who cannot see the products on the upper shelf of the super market. In this respect, rights to access and information should be laid down.
- A “bank of information” should be created, so that everybody gets acquainted with the persisting law provisions, the rights and obligations of members of society concerning equal treatment. Such rights and obligations are not generally known; people –and that includes employers and employees– often ignore that discrimination is prohibited. In the same context, the relevant legislation should be simplified, so that it is accessible to all citizens. Furthermore, public servants and officials should be trained in the relevant legislation as well as in practices which protect the rights of all citizens. Information campaigns should have a strong regional dimension.
- As far as the slow and hard process of mentality change is concerned, social partners have stressed the fact that the existing stereotypes must disappear, because the inability to accept

the differences of others is one of the main reasons for discrimination. The right to be different should be protected and society should learn to respect it. Schools and the public education system in general should be seen as an important field of action. A mainstreaming procedure should also be realized.

- Discrimination is viewed as an issue linked to the exclusion of population groups from access to basic goods and services and to full participation in economic and social life. Therefore, it is proposed that the State and society in general develop and support programs for the improvement of the living standards, as well as the education and employment possibilities of vulnerable groups, such as the Roma. The Roma face problems with housing, education, access to health services and contact with public authorities. As far as persons entitled to humanistic help are concerned, they should be entitled to all social assistance provisions granted in Greece.
- It is moreover proposed to increase child care and elderly-care, so that the reconciliation of professional and family life becomes easier.
- As far as older and younger persons are concerned, social partners believe, firstly, that some mechanisms should be developed which allow the so-called “mentoring” of the younger by the older. And secondly, they discuss a new issue connected with the present financial crisis, namely that of the decrease of salaries and wages of the younger people, which are thus discriminated. The new labour legislation adopted in Greece since 2010 has introduced provisions which often discriminate between the young and the old.
- In the above mentioned context, and although nationality is not a legally prohibited ground for discrimination, a large number of proposals refer to aliens, refugees and asy-

lum seekers. The remarkable change introduced by law no. 3838/2010, which changes the Code of Greek Nationality, by making the acquisition of the Greek nationality easier and by allowing aliens to participate in local elections, has been welcomed by OKE. OKE considered it as an important step towards the goal of inclusion of migrants. Still, the Greek Higher Administrative Court, the State Council, decided it contradicts the Greek Constitution.

- The procedure of obtaining asylum in Greece should be improved. OKE has put forward detailed proposals in its annual reports.
- Since equal treatment is a legal concept closely linked to legal rights and duties, it is very important to ensure that judges learn more about the relevant provisions. The members of the judiciary should be more familiarized with the said legislation, as concerns the substantial rights laid down within it as well as the provision on the process, for example the reverse burden of proof. Another rather important measure is the establishment of an efficient legal aid system that shall assist victims of discrimination.
- As far as process rules and rights are concerned, it is necessary to include them into the codes for the procedure before the courts and the public administration, which is the basic legislation that judges apply. Provisions related, for instance, to the burden of proof or the possibility of organisations to represent victims before courts and authorities, must be included into the codes.
- Judicial decisions should be issued promptly and within a reasonable time period; otherwise, the judicial protection of the victims of discrimination is not appropriate. The delays in achieving judicial protection is a general problem, which has, however, rather negative consequences as regards equal treatment.

- Specific proposals have been put forward as regards concrete legislation changes, in order to alleviate all forms of existing discrimination. The 3 institutions entrusted to monitor the application of the principle of equal treatment should be able to better cooperate. OKE has expressed quite detailed proposals in its annual reports. Moreover, OKE has detected a number of Greek law provisions, which should be abolished or amended, in order to establish equal rights and opportunities (for instance: age limits for accession to professions or for the termination of the employment contract, being healthy as a precondition to be employed in the public sector).
- The concept of disability as prohibited ground of discrimination should be clarified and it should become broader than the concept of disability under social security law.
- Greece should ratify international conventions prohibiting discrimination. OKE has listed them in its annual reports, which are all included in the bibliography.

6.2.5. Policy suggestions

The suggestions and recommendations emanating from the social dialogue conducted by the Economic and Social Council of Greece are of two types. First, there are those of a more general nature, in other words, those that are not specific to a particular country but rather concern the European countries as a whole. We can mention, for example, the need to promote a better and more efficient legislative framework for fighting discrimination that would be easier to understand and apply.

The second type of suggestions is essentially related to the Greek reality and particularly to the economic and financial crisis that the country is currently experiencing. Indeed, provisions included in the labour law have been amended several times recently.

Such practices do not contribute to clarify the nebulous character of the legal protection vulnerable groups are entitled to and thus, at the same time, deprive them of an adequate and effective protection. What is more, the issue of discrimination and the stereotypes about the ageing manpower are topics that are gaining concern among social partners. In this context, the need for a so-called “intergenerational social agreement” becomes central and should be progressively adopted by and implemented in the Greek society.

Finally, as regards the social partners, the combat against discrimination is an on-going process which requires an increased and constant monitoring. Moreover, dialogue on discrimination-related issues should continue, develop and expand in order to include as many social and economic actors as possible. This is even more pressing these days given that new vulnerable groups have emerged and which include, among others, pregnant women, single parent families or people with limited financial resources. These steps are necessary in order to ensure that the progress achieved so far, regarding the fight against discrimination, will not be lost but rather enhanced.

6.3. The role played by European social partners, the European Economic and Social Committee and the Economic and Social Council of Greece in combating discrimination¹³³

6.3.1. Introduction

So far, the traditional role of social partners has been to carry out collective negotiations and bargaining leading to collective

¹³³ This sub-section has been written by Olga Angelopoulou, Apostolos Xyrafis and Panos Alexopoulos from the Economic and Social Council (OKE).

agreements regulating employment issues. This traditional role has, however, evolved and gained a new impetus, not only because of the “social responsibility” parameter that has affected the character of enterprises, but also because social partners are called upon to promote equal treatment in every possible way. In the framework of such a new role, social partners develop a closer cooperation with other institutions of the civil society e.g. NGOs also aiming at combating discrimination.

The importance of the new role is also significant because the main field where discrimination is legally prohibited is that of employment. Social partners, as natural regulators of the workplace, have to be involved thereto in many manners: (a) equal treatment may become an issue of collective bargaining, a matter of agreement between employers and employees as a part of the work contract, (b) social partners at a higher level (European – national) obtain the task to communicate the new obligations and rights to their members or social partners at a lower level, (d) equal treatment is a topic of action towards the national and European authorities. Moreover (e) the institutionalised social dialogue embraces the combat against discrimination and strives for continued progress in the matter.

This development raises two basic questions: what have social partners achieved so far and which good practices or initiatives have they developed? The practical impact is evident: if good practices exist they can be extended and adopted by those who seek similar actions. The second question refers to the remaining shortcomings: which are the obstacles social partners face when dealing with discrimination issues. The present section aims at answering these questions and at providing a better overview of what civil society organisations have done so far to fight discrimination, to raise awareness among their members, society in general and governments, in view of further developing legislation and policies.

The research which led to this chapter was based on official documents and position papers issued by different European civil society organisations representing various interests, as well as on the EESC's and ESC's Opinions and initiatives¹³⁴. The concrete actions of these organisations are described and their actual results identified. The conclusion attempts a critical appraisal of civil society organisations' role by identifying strengths and weaknesses.

The social partners included in the present section are those active at the EU level. A large number of social partners from EU member States have set up different pan-European entities whose role consists in representing their respective interests to the EU decision-making bodies. Among the most important entities which will also be examined here are:

- **BUSINESSEUROPE:**¹³⁵ Confederation of European Business
- **UEAPME:**¹³⁶ European Association of Craft, Small and Medium-sized Enterprises
- **CEEP:**¹³⁷ European Centre of Employers and Enterprises providing Public services
- **EuroCommerce:**¹³⁸ Retail, Wholesale and International Trade Representation to the EU
- **Uni-Europa Commerce:**¹³⁹ Workers in European Commerce
- **ETUC:**¹⁴⁰ European Trade Union Confederation

The initiatives taken up by these social partners are both numer-

¹³⁴ A list with all the documents analysed here can be found at the end of the references.

¹³⁵ <http://www.businesseurope.eu>

¹³⁶ <http://www.ueapme.com>

¹³⁷ <http://www.ceep.eu>

¹³⁸ <http://www.eurocommerce.be>

¹³⁹ <http://www.uni-europa.org>

¹⁴⁰ <http://www.etuc.org>

ous and varied. This was the reason for their inclusion in this work, the first chapter of which is dedicated to their actions.

The second and third chapters of the present section refer to the institutionalised social dialogue, through recognised organs or organizations, whose opinions is frequently asked by the decision making authorities. The European Economic and Social Committee (EESC)¹⁴¹ was established in 1957 and is one of the two EU consultative bodies. Apart from its role of giving Opinions regarding proposed EU legislation, the EESC, as the bridge between Europe and the organised civil society, gives to its representatives a formal platform where they can express themselves. In Greece, the organised social dialogue was assigned to the Economic and Social Council of Greece (ESC)¹⁴². ESC was set up in 1994 based on the same archetype as the EESC. In other words, ESC's structure is similar to that of EESC: its members are divided in three (3) groups, Employers, Employees and Various Interests (farmers, self-employed persons, lawyers, doctors, members of the Technical, Economic and Geotechnical Chambers of Greece, consumers). The ESC's main role is to enhance social dialogue through its Opinions and initiatives. In the year 2001, the ESC has been explicitly provided for by the Greek Constitution.

6.3.2. European social partners' actions against discrimination

The present chapter is divided into three (3) sections. The first one deals with collective actions demonstrating equal opportunities as a field of collective bargaining and negotiations. Such actions refer to agreements, between European social partners representing employers on the one hand and employees on the other, with various legal ramifications. Not only, more or less binding, collec-

¹⁴¹ <http://www.eesc.europa.eu>

¹⁴² <http://www.oke-esc.eu>

tive agreements are examined therein; moreover, all common and bilateral or multilateral joint actions undertaken by employers' and employees' organisations are included in this chapter.

The second section analyses actions undertaken by social partners in order to raise their members' and other social partners' awareness about the issues related to equal treatment and opportunities. And, finally, section three focuses on how European social partners have taken actions towards the EU institutions aiming at developing or reviewing current and future legislation as well as taking up particular policy initiatives in the field of anti-discrimination.

It should be noted that certain actions could fall within the scope of more than one sections as, for instance, the Framework of Actions (FoA) on Gender Equality, which is a common action between European social partners but it also addressed national social partners to take action on gender equality, as well as influenced significantly the EU policies on equal opportunities. For systematic reasons, such initiatives are presented under the section of their basic characteristic. And finally it should be noted, that for reasons of efficiency and clarity, this work does not go through a detailed explanation of each particular action, text or initiatives – which may all be found and studied by the reader – but it rather focuses on their evaluation as to the specific role played by social partners and, in particular, to the success they achieved or the shortcomings presented.

6.3.2.1. Equal opportunities as a field of collective bargaining and joint action: Framework Agreements and Framework of Actions

Framework of Actions on Gender Equality

The FoA on Gender Equality was concluded in March 2005 between UNICE (now BUSINESSEUROPE), UEAPME, CEEP and ETUC. It is articulated around four (4) priorities which are:

- to address gender roles,
- to promote women in decision-making,
- to support work-life balance,
- to tackle the gender pay gap.

According to European social partners those priorities will give the European process of policy coordination more “clarity, effectiveness and attractiveness for stakeholders”¹⁴³.

The 2009 Evaluation Report was published in October 2009. It points out for instance that in a number of EU member States social partners have cooperated with public authorities to formulate or to revise existing legislation on equal treatment. It also explains that social partners have been particularly active on supporting work-life balance. Actions in that area have been taken through different means which include the conclusion of FA, flexible working arrangements, the participation in EU programmes like EQUAL or ESF or the improvement in the use of the care systems.

Finally, the 2009 Evaluation Report mentions the catalyst effect that the FoA had on influencing EU policy on equal opportunities. As a matter of fact, the FoA objectives were stated in the 2006-2010 Road Map on Gender Equality, in the 2008 Communication on “Tackling the pay gap between women and men” and in the 2007 Commission consultation on reconciliation of work, family and private life.¹⁴⁴

Framework Agreement on Parental Leave

This FA was first concluded in December 1995 between UNICE (now BUSINESSEUROPE), CEEP and ETUC. The idea behind this agreement was to enhance the reconciliation between family

¹⁴³ See BUSINESSEUROPE, UEAPME, CEEP, ETUC, “Framework of Actions on Gender Equality” – Evaluation Report 2009, October 2009, p. 12.

¹⁴⁴ *Idem*.

and professional life by setting up a framework which would provide the minimum requirements on parental leave and therefore guarantee equality of treatment between men and women. Following the 1995 FA, the Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC¹⁴⁵ was issued in 1996, thus making the FA legally binding for all EU member States.

Recognising the catalyst effect that this FA has had on member States, the European social partners decided to revise the FA. This revised FA, addressed to all workers, would incorporate new elements as to further encourage equal sharing of responsibilities in family life between men and women.

In June 2009, the same signatory parties concluded a new Agreement revising the existing one and inviting the EU decision-making bodies to launch a procedure in order to make it legally binding. This was done through Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC.¹⁴⁶

The revised FA is structured around two (2) main chapters, the first one being a preamble and the second one developing its content with six (6) clauses explaining the details and the modalities of the agreement.

This FA asks social partners and/or member States to take appropriate actions in order to ensure the smoothest possible return to work with the possibility to opt, during a set period of time, for flexible working hours.

¹⁴⁵ *OJL* 145, 19.6.1996, p. 4–9.

¹⁴⁶ *OJL* 68, 18.3.2010, p. 13–20.

Framework Agreement on Inclusive Labour Markets

This Framework Agreement (FA) was signed on March 2010 by BUSINESSEUROPE (BE), UEAPME, CEEP and ETUC. Through this autonomous FA, the signatory parties highlight the essential input of inclusive labour markets to the economic development as well as to social cohesion. For that reason, they wish to raise awareness and to promote inclusive labour markets in order to take full advantage of the benefits they offer. The adoption of the FA resulted from the two (2) European Social Dialogue Work Programmes taking place between 2006-2008 and 2009-2010 and from the Joint Labour Market Analysis, both involving the aforementioned European social partners. The FA is divided into six (6) chapters, introducing the context that led to its adoption, the scope and aims pursued as well as the obstacles that must be overcome in order to achieve them and finally describing the social partners' actions and the FA's implementation and follow-up procedure.

It is worth mentioning that the FA on Inclusive Labour Markets does not cover a specific group of people or exclusively people belonging to the vulnerable groups, but rather gives a general framework towards labour market inclusion.

In the introductory part, European social partners recognise the role they play in trying to find solutions to improve job markets in Europe so that they become able to respond to the new challenges they are facing. However, they point out that achieving inclusive labour markets is a matter of shared responsibilities between employers, workers and their respective representatives. They also mention that a collective response to this challenge needs to be developed through synergies between public authorities and all other involved actors. In that context, they attach an Annex to the FA introducing a non-exhaustive list of recommendations addressed to the public authorities and other actors.

Those recommendations will help further develop legislation and policies so as to support efforts and actions undertaken by social partners while involving them at the appropriate level. More specifically, in their policy recommendations, the European social partners include, among others, measures to ensure an equal access to health, education, housing and social security as a mean to tackle social exclusion. They also ask for a more effective use of financial instruments, e.g. the European Social Fund (ESF), to foster and to implement policies promoting the integration of vulnerable groups in employment.

This FA covers and describes a list of obstacles that people face when entering the job market. Those obstacles, that must be tackled, appear at different levels preceding the entry in the job market. They have especially to do with the recruitment methods which need to be more effective in order to avoid any kind of discrimination, or with information on available jobs, training schemes and job content. Yet, they are also related to the training methods which have to match the current job markets' needs and the working conditions and organisation.

Finally, concerning the specific social partner's actions, those include notably:

- campaigns to promote diversity at the workplace,
- initiatives “to implement effective recruitment methods and induction policies as well as ensure the right working conditions to welcome and support new entrants in the enterprise”¹⁴⁷,
- the introduction of individual competence development plans that employer and worker will elaborate to identify which competences are required for a given work situation and actions aiming at improving the worker's competences.

¹⁴⁷ See *BUSINESSEUROPE, UEAPME, CEEP, ETUC*, “Framework Agreement on Inclusive Labour Markets”, 25 March 2010, p. 6.

Remarks

The aforementioned adopted documents during the past decade show that civil society's organisations have been committed to their role of fighting discrimination in a permanent manner. They acknowledge that the issue of discrimination concerns them directly, as well as the fact that the abolishment of discrimination has a positive impact also on employment and development. Social partners make efforts to find solutions.

The importance attached to equal opportunities is very well demonstrated by the fact that the issue of inclusion for all who may suffer from discrimination is regulated by a FA. FAs may not be legally binding, since they only provide for a framework whereto the signatory parties commit themselves to act, they may however lead to binding regulations after the FA is adopted as a directive. Moreover it should be underlined that the current economic and financial context has not prevented European social partners to pursue their involvement in the fight against discrimination. As a matter of fact, the FA on parental leave has been recently concluded despite the crisis.

Another specific contribution of the said FA to the tackling of discrimination is the specification of the recruitment methods which raise obstacles to enter the labour market for persons who may be discriminated against. Such a contribution should be regarded as important, because it addresses one of the greatest difficulties when fighting discrimination, namely to "diagnose" the possible causes for discrimination and to elaborate specific actions against the cause that the majority of enterprises can apply.

The FoA on Gender Equality has also proved a valuable initiative. The reasons for its success are the following: (a) it set specific priorities and it articulated concrete proposals, which led to visible improvements (e.g. flexible working arrangements), (b) it reached

national social partners who took action in the “shown” direction, (c) a follow up was concluded which allows for the “capitalization” of the benefits and (d) it affected the EU policy in the field. Hence, awareness has been raised in all directions. On the other hand, the FA follow-up, in terms of concrete actions taken by the parties themselves that have signed and/or issued them, is not always very clear and easy to identify.

6.3.2.2. *Raising awareness of other social partners and their members. Publications on non-discrimination activities*

UEAPME Compendium

The UEAPME Compendium of good practices on diversity and non-discrimination in European Crafts, Small and Medium-sized Enterprises and their organisations (hereafter referred to as the Compendium) was published in 2007. This 60-page study was conducted within the framework of the “European Year of Equal Opportunities for All” and lists 50 good practices that their members and individual small businesses across Europe developed within the framework of combating discrimination. Through this Compendium, crafts and SMEs in Europe wanted to reiterate their commitment in trying to promote diversity in their sector because “(...) first and foremost (...) they are socially responsible actors who are well embedded in the local community.”¹⁴⁸

More specifically, the Compendium lists a selection of good practices implemented by its members. Those good practices reflect various approaches and multiple ways of actions and measures to reach a common goal, namely to tackle all forms of discrimination and to ensure equality in the job market.

¹⁴⁸ See UEAPME Press Release, “Report shows SMEs are active promoters of diversity and non-discrimination”, 19 November 2007.

The first part of the Compendium introduces the findings resulting from the study. Some interesting points are highlighted:

- the target groups were essentially people discriminated on the grounds of their age, gender, ethnicity and disability. To a less extent, activities did also include discrimination on the grounds of sexual orientation and religion,
- crafts and SMEs' actions pursue multiple objectives, namely prevention, exchange of experience, promotion of debate or ensuring better integration,
- the national or regional context where crafts and SMEs have their main activities has a direct impact on the target groups they will focus on,
- to achieve their ends and based on their specific situation and needs, they use a variety of tools, including websites, brochures, seminars, manuals, training courses, etc.,
- the majority of activities were carried out at the regional level. However, others were involved in cross-border and international cooperation,
- focus groups included entrepreneurs, workers, companies, the general public, alone or together (multiple groups),

According to the Compendium there are five (5) main incentives that motivate SMEs to further develop non-discrimination activities:

- shortage of workers with specific skills,
- the demographic context that will increase this shortage,
- Corporate Social Responsibility,
- a growing number of immigrants who are potential workers and consumers,
- a high unemployment rate among vulnerable groups.

Certain initiatives are mentioned below as some of the most

original examples of good practices registered within the UEAPME Compendium.

A) Model system of companies' staff adaptation to structural changes in the economy¹⁴⁹

This activity was carried out within the EQUAL framework by Związek Rzemiosła Polskiego – ZRP, an organisation based in Poland. The main idea behind this activity consists in creating a mechanism of knowledge transfer from elderly and experienced workers to other colleagues. The mechanism will assist the selection procedure as well as the training of selected elderly workers.

This activity allowed the setting up of tools and procedures for:

- training needs analyses,
- the selection of experienced elderly workers possessing the required features to transfer their knowledge to younger employees,
- the development of “tailor made” training.

B) Ondernemers platform Diversiteit¹⁵⁰

Unie van Zelfstandige Ondernemers – UNIZO, a Belgian entrepreneur organisation developed this activity aiming at raising awareness among its members on the added value of diversity in the company.

Among the main initiatives that were adopted to achieve this aim were:

¹⁴⁹ UEAPME “Compendium of good practices of diversity and non-discrimination in European Crafts, Small and Medium-sized Enterprises and their organizations”, 2007, p. 13.

¹⁵⁰ Idem, p. 19.

- a calendar with the main religious holidays,
- an exchange of opinions, in the form of a round table, between managers and members of an ethnic minority,
- an online signature as a proof of the entrepreneurs' engagement in the fight against discrimination,
- an award for diversity.

C) Les couleurs de l'apprentissage¹⁵¹

Through this activity, the Assemblée Permanente des Chambres de Metiers APCM from France focuses on young employees from an immigrant background, namely a case of multiple discriminations. There were several target groups, including company owners, young workers and their families.

A CD-ROM was developed listing some specific actions, as for instance:

- a sample of a standard non-discriminatory application form that young people will fill out when applying for a traineeship,
- a test helping employers assess whether or not they unintentionally discriminate during the interview session,
- sessions addressed to young people helping them prepare their interview,
- a list of good practices that company and people have adopted to combat discrimination,
- various documents and tests to give employers and young people a better overview and understanding of the non-discrimination and diversity debate.

D) FEMME¹⁵²

FEM is a non-profit and politically neutral organisation founded

¹⁵¹ *Idem*, p. 21.

¹⁵² *Idem*, p. 38.

in 1990 that represents the female Europeans of Medium and small Enterprises. The main goal pursued by this organisation is to ensure an equal position between women and men in craft businesses and small and medium-sized enterprises. To achieve this end, its activities seek:

- to guarantee that women across Europe will exchange their experiences and know-how,
- to help the setting up of working groups that will train and educate on economic and social issues,
- to improve the social, cultural and legal position of women working in the craft and small and medium-sized enterprises sector,
- to be the central point at European level where women co-entrepreneurs and entrepreneurs could refer.
- **JEUNE**¹⁵³

JEUNE, the European organisation for young craftsmen and young entrepreneurs of SMEs, was established in 1994. It includes members coming from 8 EU member States¹⁵⁴. As in the case of FEM, JEUNE seeks to represent the interest of young employers in the craft business and small and medium-sized enterprises sector. More specifically, JEUNE seeks:

- to contribute to the members networking and exchange of ideas,
- to shore up and to organise transnational projects,
- through concrete actions to help in the setting up of new businesses at worldwide level,
- to get involved in initiatives aiming at promoting the creation and training of young enterprises.

¹⁵³ *Idem*, p. 51.

¹⁵⁴ France, Germany, Greece, Hungary, Italy, Luxembourg, Romania, Spain.

E) Empeiria¹⁵⁵

With Empeiria, the Hellenic Confederation of Professionals, Craftsmen & Merchants – GSEVEE of Greece issued a study related to discrimination on the grounds of age. In other words, the study focused on the question of active ageing and a range of issues related to the latter. Those included among others, the development of tools and procedures for active ageing management, training, the creation of an Observatory, transnational cooperation, social dialogue forms.

Synthetic Study on diversity at the workplace

The Synthetic Study entitled “Employers’ opinions, positions, perceptions concerning the employment of socially vulnerable groups and the introduction of diversity management at the workplace”¹⁵⁶ was published in June 2008. The Study was drafted by two (2) Greek NGOs (Nostos and Praxis) and by the Panteion University; the International Organisation for Migration was responsible for the publication. The Study resulted from the collaboration of Development Partnerships participating in the National Thematic Network “Managing Diversity at the workplace”¹⁵⁷ and it was conducted during the second round of the EQUAL Initiative in Greece. This Study, which focuses on the business sector’s involvement and approach as regards the management of diversity at the workplace, develops, among others, two (2) interesting concepts: the Corporate Social Responsibility (CSR) and the bodies to support social integration (BSSI).

¹⁵⁵ Idem, p. 52.

¹⁵⁶ The translation was done by the editorial team. The original title in Greek is «Απόψεις, στάσεις, αντιλήψεις των εργοδοτών σχετικά με την απασχόληση ευπαθών κοινωνικά ομάδων και την υιοθέτηση της διαχείρισης της διαφορετικότητας στο χώρο εργασίας».

¹⁵⁷ The translation was done by the editorial team. The original title in Greek is «Διαχείριση της Διαφορετικότητας στον εργασιακό χώρο».

Corporate Social Responsibility

According to the European Commission (EC) definition, the CSR is “a concept whereby companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis.”¹⁵⁸ In other words, companies invest in terms of sustainable development being socially fair, economically viable and ecologically responsible.

The Study highlights the role that CSR can play in order to promote the fight against discrimination, namely their social profile. In other words, consumers’ behaviour demonstrates, according to the study, the benefits of social responsibility.

More analytically, the study explains that consumers tend more and more to buy products without price being the only criterion guiding their choice. As a matter fact, they consider other aspects which are directly or indirectly connected to the good they want to buy and to the firm/society responsible for its production and its diffusion in the market. Criteria such as the level of the company’s contribution to the environment protection or to the workforce diversity are becoming increasingly important. Being socially fair and responsible includes also the promotion of diversity and the integration and employment of workers belonging to one or more vulnerable groups.

The study introduces a list of opportunities that CSR societies can offer to vulnerable groups.

- To provide lifelong learning and training on working issues,
- to guarantee to vulnerable groups (economic) autonomy, notably because they are no longer or are to a lower degree dependant on welfare payments,

¹⁵⁸ http://ec.europa.eu/enterprise/policies/sustainable-business/corporate-social-responsibility/index_en.htm

- the possibility to act collectively through trade union membership,
- to raise awareness about their rights among people from vulnerable groups.
- moreover, the Study highlights the benefits a company could reap by developing management based on equality for all,
- the development of a social profile that will have positive repercussions on company's business,
- the promotion and advertisement of products manufactured through socially responsible and environmentally friendly procedures,
- specific training programmes for supporting companies and their employees, notably programmes to acquire or to improve knowledge on the use of new technologies,
- state support.

In addition, CSR can be used by a company as an indicator to evaluate which level has its commitment reached. In other words, CSR can be seen as a sort of social audit.

Finally, the Study mentions the necessity for companies not to see CSR as a cost but rather as «a long-term strategic investment». This also requires the contribution from public authorities which, except from further sensitizing and developing CSR, will also support existing networks.

Bodies to Support Social Integration (BSIS)

Another interesting finding of the Synthetic Study deals with the role that BSIS can play in integrating vulnerable groups in the job market. Their role is described as that of an intermediary body. The Study in fact shows that enterprises/employers would be more favourable to hire potential workers belonging to vulnerable groups if they could be advised in their approach. In other words, as the

Study points out, when recruiting workers (from vulnerable groups) employers would seek to rely on recommendations made by the SIS bodies. A positive assessment (made by the BSIS) is seen as a guarantee that the recommended worker matches the required competences and can be integrated into the team.

Furthermore, the Study shows that apart from the advisory role of BSIS, employers would also seek, before hiring a person, to consult with psychologists, social workers, work advisers, etc.

In conclusion, employers are not negative to the idea of hiring people from vulnerable groups but are afraid to do so unless they are assisted and advised by the appropriate bodies. The advisory bodies contribute to the sensitization of employers on the diversity issue and support them in order to effectively manage it at the workplace.

Joint Statement on Combating Racism & Xenophobia

This JS was published in May 2000 by EuroCommerce and Uni-Europa Commerce. They state that the combat against racism and xenophobia requires the participation of both public authorities and enterprises and workers.

The two parties ask enterprises and their associations to establish, through their social dialogue, guidelines and codes of conduct in view of achieving the aim of the JS. Moreover, they ask to include the issue of racism and xenophobia in training programmes so as to help employers and employees better deal with this kind of phenomenon. Public authorities, but also commercial enterprises, shall offer better and more effective access to vocational education and training to members of minorities.

Finally, EuroCommerce and Uni-Europa Commerce agree to keep showing interest regarding the racism and xenophobia issue and if necessary to adopt new measures.

Voluntary guidelines supporting age diversity in Commerce

This JS was issued on March 2002 by EuroCommerce and Uni-Europa Commerce. Recognising the growing rate of ageing workforce in the job market, the two parties recommend a list of guidelines addressed notably to social partners, in order to deal with the age aspect issue. They also call all public authorities to provide an adequate legal framework which will help social partners develop working arrangements and methods allowing them to respond and to manage age diversity in the labour market.

More specifically, the guidelines include:

- from vocational training to recruitment methods and distribution of positions, the adopted approach should be based on skills and abilities excluding any kind of stereotypes related to age,
- employers and employees should agree and put in place working and retirement options allowing workers to remain active longer or, if they wish, to retire earlier. Those options must be beneficial for both parties,
- when designing jobs, the age criterion should be considered, especially regarding technology issues and ergonomics,
- in order for older workers to respond to and to integrate new work processes, social partners will ease the access to and contribute to the development of learning and training methods that will for instance introduce them to new technologies,
- working times could be adapted, allowing for example part time work or flexible work schedules.

Finally, European social partners in commerce commit themselves to keep engaging in the fight against discrimination through a voluntary social dialogue leading for instance to FA and through a support to European policies acting towards the elimination of discrimination.

Statement on Promoting Employment and Integration of Disabled People in the European Commerce and Distribution Sector

The Statement on disabled people was concluded in May 2004 by EuroCommerce and Uni-Europa Commerce. It was adopted within the context of the European Year for People with Disabilities (2003). EuroCommerce and Uni-Europa Commerce highlight the fact that the legal framework supporting disabled people must be designed in such a way, that it does neither discourage disabled people from retaining or seeking employment nor discourage employers to hire them. The integration of disabled people in employment constitutes a joint responsibility where employers, trade unions, disabled people themselves will have to cooperate.

The two parties suggest the adoption of a disability management strategy focusing on different elements to help disabled people find their way in the job market. Those elements are for instance career development policies, vocational education and training for the working environment.

European social partners in commerce reiterate their commitment to keep the question of disabled people in their social dialogue. To that end, they call their affiliated employer's organisations and trade unions to:

- also include the issue of integration of disabled people in their social dialogue,
- to monitor developments regarding what is foreseen in the Statement,
- to inform about good practices,
- to organise round table discussions.

Joint action for the protection of Lesbian Gay Bisexual Transgender Persons' rights

In 2008, ETUC published a leaflet¹⁵⁹, in 22 different EU languages, resulting from its collaboration with the International Lesbian and Gay Association (ILGA-Europe) in the framework of the EC funded four-year action programme called “Extending Equality”. This collaboration between ETUC and ILGA was triggered by the Seville Manifesto¹⁶⁰.

The published leaflet outlines 10 actions as means for trade unions to promote equality at the workplace. These actions include, among others, the commitment to recruit Lesbian Gay Bisexual Transgender (LGBT) people in trade unions, adding the question of LGBT’s rights in trade union’s education and training programmes or the establishment of a LGBT trade union network. In the same leaflet ETUC states that a legislative framework is a necessary tool for the effective protection against discrimination. It also underlines the lack of information across Europe, including within trade unions, about the EU law prohibition to discriminate on the grounds of sexual orientation.

On December 2008, ETUC issued a document entitled “*ETUC actions and activities on promoting equal rights, respect and dignity for workers regardless of their sexual orientation or gender identity*”. Through this document, ETUC reiterates its commitment to fight discrimination on the grounds of sexual orientation. ETUC

¹⁵⁹ Available at: http://www.etuc.org/IMG/pdf_LGBT_EN-2.pdf

¹⁶⁰ ETUC adopted the Seville Manifesto at the Seville Congress on 21-24 May 2007. In the first page of its Manifesto, ETUC explains that “the Seville Congress is (...), for the ETUC, a new stage in our development towards an organisation which is stronger, more cohesive, and more influential in benefiting the workers of Europe and the world”. The Manifesto is articulated around five (5) fronts where ETUC is committed to act and which are: (1) European labour market, (2) Social dialogue, collective bargaining and worker participation, (3) European economic, social and environmental governance, (4) A stronger EU, (5) Stronger unions and a stronger ETUC.

emphasizes that trade unions are the workplace actors par excellence as regards equality. In that context, trade unions' actions shall embrace all groups that could be victims of unequal treatment, including LGBT workers as well. For ETUC, relations between trade unions and LGBT are reciprocal. On the one hand, trade unions constitute a useful channel to provide LGBT's rights and to raise awareness. On the other hand, LGBT represent new members to enforce trade unions.

In its statement ETUC suggests a list of actions and activities that will contribute to further guarantee LGBT workers' rights. Those actions are the same as those mentioned by the "Extending Equality" leaflet.

- Keep lobbying the European institutions to further protect LGBT rights both within and outside employment,
- trade unions and ETUC to take the lead for ensuring equality for both LGBT people and workers,
- "collective agreements should recognise the rights of LGBT workers to benefit from partner-benefits, pensions, family leave and family benefits on the same footing as heterosexuals"¹⁶¹,
- a close cooperation and joint activities between ETUC and the International Trade Union Confederation (ITUC) in the Pan-European Regional Council (PERC).

Remarks

As far as the above-mentioned studies are concerned, it should firstly be noted, that the described successful initiatives were triggered by the EU legislation, policy and programmes. When review-

¹⁶¹ See "ETUC actions and activities on promoting equal rights, respect and dignity for workers regardless of their sexual orientation or gender identity", 4 December 2008, p. 6.

ing the context which led the European social partners to adopt and to carry out specific actions in the field, to raise awareness and to sensitize their members, it is evident that the basis is the European policy. The “European Year of Equal Opportunities for All”, in particular, which was launched by the EU in 2007, paved the way for civil society’s organisations, both European and national, to further promote debate and activities regarding equal opportunities. The decisive impact of EU-funded projects on social partners’ engagement for equal treatment had been underlined by similar researches undertaken by EC, namely by research which aimed at assessing the involvement of social partners in the fight against discrimination.¹⁶²

Apart from developing and increasing cooperation through FAs and joint actions – as explained earlier – European and national social partners published studies whose findings are very useful for their members as well as for the public in general.

One of the basic conclusions to be drawn in this section, as in the previous one, is the fact that the European social partners are aware of the existence of discriminations in the job market and of the necessity to eradicate them. Not only employees’ but also employers’ organisations (such as EuroCommerce and Uni-Europa Commerce) express their interest in eliminating discrimination. European social partners and, specifically, those active in the business sector, recognise their social responsibility and the role they play in the social environment in which they are active. They perceive social responsibility as a need to become promoters of actions that will have positive repercussions for social welfare.

Interesting conclusions can be drawn on the basis of the stud-

¹⁶² European Commission, “European Trade Union Anti-Discrimination and Diversity study: innovative and significant practices in fighting discrimination and promoting diversity”, May 2010.

ies that identify good practices and explain the way to tackle discrimination at the workplace. As mentioned earlier, such work is important, because it “diagnoses” the causes for discrimination and formulates specific “cures”. In the same regard, it should be noted that the good practices were, in many cases, developed by national enterprises, a fact that demonstrates the success of European social partners to sensitize their members. European social partners and their members aim at promoting debate and campaigns that will provide information on the diversity issue. They also seek to develop tools enabling both employers and employees to effectively contribute to combating discrimination.

One shortcoming can be detected: activities tend to focus often on some specific vulnerable groups more than others, when not dealing with all forms of discrimination. This is indeed the case for the Compendium – but not only – analysed in this section. In general terms, activities to fight discrimination on the grounds of gender, age or ethnic origin are more intensively addressed than those on the grounds of religion or belief. Here again, the same conclusions were drawn up by the above-mentioned research carried out on behalf of the EC¹⁶³. Perhaps the disparity could be explained by the fact that gender or age – as grounds of discrimination – are more visible than sexual orientation.

However, as far as discrimination on the grounds of sexual orientation is concerned, the recent initiatives undertaken by the ETUC completely change the scenery: ETUC, as the pan-European workers’ organisation actively engages itself in the pursuits of LGBT rights both within and outside employment, whereas until that time very little action was developed in that direction.

The activities in the UEAPME Compendium, mentioned above,

¹⁶³ *Idem*.

were carried out by SMEs at the national and in many cases at the local level. Although SMEs lack the means that larger firms dispose of in order to make their activities in the anti-discrimination field public, European social partners, through their umbrella organisations like UEAPME, provide them with a useful communication platform allowing them to promote their own good practices.

Finally the following important findings should be noted:

- (a) recruitment methods may be developed which combat discrimination (standard applications),
- (b) employers are not often aware about the discriminatory behaviour – practices such as tests may help them recognise that,
- (c) employers seek to rely on the help and the mediation from external actors when hiring people belonging to vulnerable groups. They also seek for cooperation with third parties.

Affecting public policy

“More or less” legislation – Opinions expressed on a new anti-discrimination directive

The proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (hereafter referred to as the Directive)¹⁶⁴ was adopted by the EC in July 2008. It was published within the “Non-discrimination and equal opportunities: a renewed commitment” Communication. In April 2009 the European Parliament adopted the text¹⁶⁵. At the current stage, the Council is examining the proposal and its final adoption will require to be backed by the member States’ unanimity. The basic innovation

¹⁶⁴ COM (2008) 426.

¹⁶⁵ OJ C 137 E, 27.5.2010, p. 68.

of the proposed Directive is the extension of the provisions against discrimination on the basis of the said four grounds to other fields outside that of employment.

ETUC's position

ETUC's observations were published in December 2007 during the consultation launched by the EC in order to collect views and opinions on the necessity to promote non-discrimination obligations outside the field of employment. For ETUC, the fight against discrimination outside employment has strong repercussions on the job market and vice-versa, since they are both interconnected. It explains that "non-discrimination outside employment is often a pre-condition for equality at the workplace"¹⁶⁶, giving as an example discrimination in education.

In its observations ETUC recognises the necessity and the importance to have a legislative framework, characterising it as an "indispensable pre-condition". It considers that legislation and the obligations arising from it are the only incentive that spur businesses to adopt good practices and in more general terms to show a strong interest in combating discriminations¹⁶⁷. Moreover, legislation should be developed, along with the guarantee that public authorities shall implement it properly and that it should be complemented by social partner actions and activities. The ETUC pleads for a single instrument as the appropriate means to better regulate the question of multiple discrimination. It further explains that a

¹⁶⁶ See "ETUC's observations on the Commission's consultation concerning a new initiative to prevent and combat discrimination outside employment", December 2007, p. 5.

¹⁶⁷ See the survey by the Chartered Institute of Personnel and Development (www.cipd.co.uk), as mentioned in "ETUC's observations on the Commission's consultation concerning a new initiative to prevent and combat discrimination outside employment", 10 December 2007, p. 7.

single broad initiative offers a better protection for people discriminated on ‘less popular’ grounds, e.g. religion, as long as it also includes particular provisions addressing the specificities of each of the various forms of discrimination. Another basic position is that new legislation should aim, above all, at improving and reinforcing the existing legal framework, while integrating new grounds of discrimination and notably nationality and trade union membership.

As to the role of social partners, ETUC sees it as clearly complementary to the EU legislation. Furthermore, it provides for an overview of how social dialogue on the non-discrimination issue has been conducted so far and which grounds have been covered: (a) firstly, at the European level, ETUC mentions the positive impact that FoA with a monitoring exercise have had and asks to further enhance the conclusion of such agreements in areas that are not yet covered (racism and xenophobia, ethnic minority workers, etc.), (b) secondly, at the sectoral EU level, social dialogue has mainly focused on the gender equality issue, (c) thirdly and finally, at the national level, ETUC notes that equality issues – and mainly gender equality – are tackled through collective bargaining and other joint actions.

The same views were expressed by ETUC in its Joint Declaration (JD) “Fight discrimination and guarantee equality for all” with Social Platform, issued on October 2009. The JD – addressed to the European institutions and to the Swedish government, which took over the presidency of the Council of the European Union during the second semester of 2009 – is articulated around concrete proposals for new legal and policy initiatives that the two parties consider will ensure more equality across Europe. One of the proposals was to expand EU anti-discrimination legislation for all grounds in all areas of life. ETUC and Social Platform reject the “cost” argument as a justification for not implementing legislation at the national level.

Another proposal was to include grounds such as social origin, genetic characteristics, trade union membership or political opinions.

EuroCommerce's position

EuroCommerce published its paper in September 2008. Unlike ETUC, EuroCommerce does not see the necessity to further legislate and is more in favour of a structured dialogue involving all relevant stakeholders (businesses, trade unions, public authorities, NGOs) alongside a better implementation of the existing legislation. It also points out that many enterprises have developed activities to combat discrimination in the context of the CSR concept. In addition, it worries about the costs that will occur for stores in order to comply with the new legislation.

In the EuroCommerce's opinion, the discrimination issue is a societal problem requiring better education and sensitisation. For EuroCommerce, social dialogue seems to be the best manner to deal with the problem. It therefore requests the EU and public authorities to support and to promote social dialogue, highlighting that the commerce sector has already engaged itself in a dialogue with stakeholders on a voluntary basis. It finally reminds EU that for SMEs to further develop their activities a stable environment characterised by legal predictability and less bureaucracy is a precondition.

BusinessEurope's position

BE's position was issued on November 2008. Similarly to EuroCommerce's position, BE considers that a new Directive would be unnecessary given that a comprehensive legal framework providing for a sufficient legal protection against discrimination already exists. It also points out that this will raise costs for enterprises and undermine EU's competitiveness. Rather than further legislate, BE suggests focusing on prevention measures. Those measures would

include informing the public, carrying out raising awareness campaigns and exchanging good practices.

In BE's view, the "Open Method of Coordination in the field of employment and social inclusion and social protection would (...) have been more appropriate to take advantage of the diversity of practices which exist at the EU level"¹⁶⁸. Furthermore, according to BE, each type of discrimination needs a differentiated solution. Hence, in contrast to ETUC, the BE does not consider a horizontal measure, covering all grounds of discrimination, to be an appropriate approach.

Finally, BE is opposed to the development of a EU diversity charter because "it would impose on the member States a single blueprint which would not allow taking into account their country-specific context"¹⁶⁹. On the other hand, it is in favour of the adoption of national diversity charters as a result of a voluntary approach that can be used as practical tools by companies.

UEAPME's position

UEAPME's position was issued on November 2008. Like EuroCommerce and BE, the position held asks for no further legislation, since it would go against the principles of better regulation and simplifying legislation. EuroCommerce has doubts about the respect of the subsidiarity principle, referring to the unclear articulation between European and national legislation.

UEAPME concludes its paper by stating that it is opposed to any new legislative proposal regulating discrimination issues outside employment. To its opinion, it is deemed necessary first:

¹⁶⁸ BUSINESSEUROPE, "Commission Proposal for a Directive on "implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation" – Position Paper, 14 November 2008.

¹⁶⁹ Idem.

- to change mentalities regarding this issue,
- to promote supportive measures,
- to promote campaigns aiming at informing and raising awareness,
- to better implement existing directives,
- to strictly respect the subsidiarity principle.

CEEP's position

CEEP's opinion was published in March 2009. In general terms, it advocates the same positions as those referred in the position papers of EuroCommerce, BE and UEAPME. The CEEP's paper starts with a critical appraisal of the proposed Directive and the necessity of the EU intervention. It points out some weaknesses of the Directive. More specifically, CEEP highlights the fact that ambiguities remain on the real cost of the Directive implementation, as well as on the benefits of the EU intervention in the non-discrimination field. Moreover, it also emphasises the lack of information available and the use of some unclear terms, e.g. "appropriate modifications and adjustments" or "disproportionate burden". On these grounds, CEEP considers that there is no need for more legislation. It further justifies its position by invoking reports showing that member States have developed the necessary legislative tools to deal with the discrimination issue. Differences that may appear between national legislations are notably related to cultural, historical or political background. For CEEP, in this case, the principle of subsidiarity has not been applied in a proper way.

CEEP however mentions the difficulty in adopting a single initiative for all grounds of discrimination. In order to explain this opinion, it gives an example: unequal treatment of women could be accepted by some religions.

Prior to any new form of legislation, CEEP recommends:

- addressing the ignorance of the legal framework,
- addressing the discrimination phenomenon in society by better educating and informing people.

Finally, CEEP emphasises the financial burden for public services arising from their obligation to tackle the discrimination issue. It explains that central governments do not allocate sufficient funds allowing them to take the appropriate measures.

ETUC's requests for targeted initiatives

For migrant workers

In December 2010, ETUC adopted a Resolution on equal treatment and non-discrimination for migrant workers (hereinafter referred to as the Resolution)¹⁷⁰. In the Resolution ETUC makes a critical appraisal of the current EU legal framework governing and setting rules concerning the employment of migrant workers in the EU.

ETUC makes an argument on the basis of the jurisprudence of the EU Court of Justice which reveals the current legal framework's inability to establish a clear hierarchy between fundamental social rights and economic freedoms. To resolve this ambiguity, the ETUC requests the inclusion of a Social Progress Protocol into the Treaties which shall clearly state, among others, the social rights' prevalence over economic freedoms and competition rules. Furthermore, ETUC criticises the objective pursued by the EU to further liberalise the single market, at the expense notably of the principle of equal treatment and the new legal context as provided by the Lisbon Treaty. It also stresses the fact that the concepts of social progress, social market economy, equality and non-discrimination are all enshrined in the Lisbon Treaty and in the European Charter on Fundamental Rights.

¹⁷⁰ The JD of ETUC and Social Platform, mentioned above, also proposed a better legal protection of immigrants.

Regarding the three (3) Directive proposals on migrant workers¹⁷¹, ETUC disagrees with the legal basis. Since those Directive proposals do not only deal with the movement of migrant workers but with the rights of those workers as well, ETUC considers the use of only Art. 79 TFEU on immigration, as being a wrong choice. According to ETUC, this choice allowed the EU to avoid consultation with the social partners (Art. 154 TFEU) and it, therefore, requests for social policy to be added to the legal basis of the directive. In addition, it calls for “a horizontal instrument to regulate the issues of principle for workers within the EU and for workers outside migrating into the EU, on the basis of the principle of equal treatment and the struggle against discrimination”.¹⁷²

Furthermore, ETUC believes that before coming up with any new initiative on immigration and seasonal work, it is necessary to first develop the indispensable social support measures. Those measures include, among others, the reinforcement of European and national laws on social and professional protection of seasonal workers. To this end, ETUC suggests a European social policy directive on seasonal work guaranteeing equal treatment between seasonal workers, locals and migrants.

Finally, it is worth mentioning that ETUC has asked “to allow all

¹⁷¹ The three (3) new proposals, mentioned in the Resolution, are the following:

- Directive establishing a single request procedure with a view to the issue of a single permit authorising nationals from third countries to live and work on the territory of a Member State and establishing a common floor of rights for third-country workers living legally in a Member State.
- Directive establishing conditions for entering and remaining for third-country nationals for the purposes of seasonal work.
- Directive establishing conditions for entry and residence of third-country nationals in the framework of an intra-corporate transfer.

¹⁷² ETUC, “Resolution on equal treatment and non discrimination for migrant workers”, December 2010, p. 2.

EU citizens and third-country nationals living legally in the EU, including refugees, to have full access to the EU employment market (...).¹⁷³

For equal pay

The Congress Statement on minimum wages, equality and collective bargaining was adopted by ETUC during its Congress in Seville in May 2007 and address the issue of equality in pay between men and women and new and old EU member States. After describing the current situation as regards pay in the EU, ETUC calls for collective actions to be carried out by trade union organisations, ETUC included.

In order to guarantee equality in pay, ETUC suggests the following measures:

- support union campaigns aiming at guaranteeing effective minimum wages,
- use of legal instruments and collective bargaining to address the gender gap issue,
- improve working situation for migrant workers (to develop unions of migrant workers, full application of labour law, etc.),
- when circumstances will allow, to organise united campaigns at EU level addressing the question of minimum wages, equality and collective bargaining.

The JD of ETUC and Social Platform, mentioned above, proposed to strengthen the existing legal framework, including among others equality of pay and reconciliation of private and professional life. Moreover, legislation and policies on equal treatment shall also more effectively incorporate gender identity and transgender people.

¹⁷³ *Idem*, p. 3.

Remarks

One finding – also pointed out earlier – is that various activities in the non-discrimination field have been carried out both by employers' and employees' organisations, either jointly or separately. Another finding is that, to a large extent, the social partners' involvement stems from and is directed by their obligations arising from the EU legislation. A third finding: although those organisations are fully aware of the importance to tackle the discrimination issue, they don't have the same expectations from the EU decision-making bodies. As a matter of fact, the European social partners lobby the EU institutions in order to promote and to guarantee their respective interests. The positions adopted regarding the proposal for a Council directive on implementing the principle of equal treatment irrespective of religion or belief, disability, age or sexual orientation reflect precisely this differentiation in the European social partner's wish for "more or less" legislation.

Position papers concerning the Directive show a clear divergence between business sector organisations and trade unions. Not only are the former not convinced about the necessity to further legislate, they also consider such an action to be counter-productive and counter-competitive. They especially stress the unnecessary financial burden that a new legal framework would create for enterprises. On the contrary, trade unions fully support the EC's new proposal, see only advantages from expanding the legal provisions and reject the "cost" argument. What is more, as also explained in EC research Reports,¹⁷⁴ employers seem to be strongly in favour of voluntary measures while trade unions call first for a legal support.

However employer's and employee's organisations both emphasise the importance:

¹⁷⁴ European Commission, *op. cit.* n°30.

- (a) to raise awareness,
- (b) to better implement and to reinforce existing legislation,
- (c) to better inform the public.

ETUC has been very active in promoting the debate on discrimination issues and in lobbying for more EU legislation. Finally, ETUC asks to further act towards the protection of targeted groups.

6.3.3. The role of the European Economic and Social Committee

Through its numerous Opinions, the EESC has always been very active and sensitive regarding discrimination related issues. It has also organised different kind of activities aiming at extending debates on those issues to its members but also to the broader public. Furthermore, after the entry into force of the Lisbon Treaty which notably emphasises the importance of social dialogue in Union action, the EESC's legitimacy, consultative role and influence have been reinforced.

The first part of this section goes through some of the Opinions adopted in recent years addressing the discrimination question. Those Opinions were either issued following the regular consultation procedure or following an EESC's own-initiative. The focus will be on certain policy recommendations addressed to EU institutions and national public authorities, as well as to ways by which the EESC considers civil society and social dialogue as a mean to raise awareness and to further develop policies promoting diversity. In the second part, some recent activities carried out by the EESC which concern the discrimination issue will be presented.

EESC's Opinions

*Integration of minorities – Roma*¹⁷⁵

This Exploratory Opinion was adopted by the EESC plenary ses-

¹⁷⁵ SOC/263 – CESE 1207/2008.

sion on July 2008. It was drawn up within the "2007 European Year of Equal Opportunities for All" context and following a request expressed by the vice-president of the Commission and Commissioner responsible for inter-institutional affairs, Margot Wallström. The request was referring to an Opinion on the integration of minorities in the fight against discrimination, notably regarding Roma people.

This Opinion first gives the Roma's historical background in Europe and then explains the different steps in their life which is characterised as a life of discrimination. As to their access to the job market, the Opinion stresses the fact that the Roma are automatically discriminated against mainly because of their low or unrecognised level of qualifications. However, as the Opinion points out, the average Roma has a good entrepreneurial savvy. Therefore, there is a need to develop such support mechanisms, e.g. microcredits, which shall allow them to fully take part in the regular economy. Moreover, the EESC asks for the enforcement of legislative measures and the promotion of vocational training.

Concerning the social partners' role, since the integration of Roma should give priority to employment, the EESC considers that they have a major role to play, stating that the employers and employees organisations' experiences will be a useful contribution to their integration process. It also refers to the input different bodies belonging to the organised civil society have had so far, e.g. the European Roma and Travellers Forum (ERTF) or the Open Society Institute.

The Opinion sees the Open Method of Coordination (OMC) as being the most effective and suitable approach to deal with minority integration issues. However, this requires extending the OMC to include minority issues as well. Finally, the EESC stresses the need to set up a network where all involved stakeholders could cooperate.

*Extending anti-discrimination measures for areas outside employment and the case for a single comprehensive anti-discrimination directive*¹⁷⁶

This own-initiative Opinion was adopted by the EESC plenary session on September 2008. This Opinion deals with the necessity to have a directive providing legal protection against discrimination outside employment¹⁷⁷. In general terms, the EESC conclusions and recommendations are aligned with ETUC's opinion as described in its position paper published in December 2007 (see section 3). In other terms, the EESC stresses the current EU anti-discrimination legal framework's inadequacy because it does not protect against discriminations on the grounds of religion or belief, disability, age and sexual orientation outside the employment field. What is more, there is no legal protection for multiple discriminations. Furthermore, it claims that the only incentive for member States to "enact laws providing consistent rights for all grounds"¹⁷⁸ is their EU obligation to move in the direction of an EU common standard. The EESC also notes that without the existence of appropriate EU laws, the EC won't have the required legal basis allowing it to take measures against a member State's failure to act.

Unlike employers organisations' opinions (see section 3), for the EESC a new proposal for a directive won't create an infringement of the subsidiarity and proportionality principle. It further argues that the necessity to have an EU common standard of legal protection justifies a Union action. The EESC also disagrees with employers

¹⁷⁶ SOC/304 – CESE 1571/2008.

¹⁷⁷ The EESC issued on January 2009 an Additional Opinion on the Directive as such. See Opinion on "the Proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation COM(2008) 426 final". SOC/326 – CESE 49/2009.

¹⁷⁸ SOC/304, op. cit. n° 43, p.2.

organisations as regards whether or not a single initiative is necessary. In EESC's opinion a single directive covering all four (4) grounds will be beneficial in many ways. As a matter of fact, its added value includes a maximum clarity for businesses and for goods and services providers, an incentive for early compliance, an effective protection to prevent multiple discriminations and improved social cohesion. Finally, the EESC is not convinced that a single directive will lead to a cost increase for companies. On the contrary, it considers that costs will be outweighed by the widening of their clientele as a result of their commitment to fight discriminations.

*The situation of ageing workers faced with industrial change – providing support and managing age diversity in sectors and company*¹⁷⁹

This own-initiative Opinion was adopted by the EESC plenary session on March 2009. In this Opinion, the EESC remarks that throughout the EU only a few companies have developed policies focusing on the older workers issues. Therefore, the EESC requests the EC to set out a European programme and Support Framework for the Employment of Older Workers introducing best practices supporting the recruitment and retention of older workers. Moreover, like for the minority integration issues, the EESC considers the OMC as being the appropriate tool to establish an EU common framework and common rules dealing with the older workers question. Moreover, the EESC asks member states to develop “National Support Frameworks for the Employment of Older Workers” and to adopt an active approach in age management. It also calls the EU institutions, member States and social partners to promote the concept of age diversity management among companies and trade unions. This Opinion further recommends taking some concrete actions in the vocational education and training field addressed both to managers and to older workers. For

¹⁷⁹ SOC/297 – CESE 628/2009.

the latter, the EESC sees e-exclusion as one of the main obstacles preventing a higher employment rate. Thus asks member States with the contribution of social partners to create those conditions allowing the over-50s to fill the technological gap. It suggests introducing within companies “in-house working groups of older workers for formulating strategies for attracting experienced older people”¹⁸⁰.

Like for the minority integration issues, the EESC states that setting-up a network for collaboration and exchange of good practices between all the involved stakeholders will further guarantee the success of any taken initiative.

*The roadmap for equality between women and men (2006-2010) and follow-up strategy*¹⁸¹

This Opinion was adopted by the EESC plenary session on March 2010. It was drawn up following the EC’s request to the EESC to make an assessment of the roadmap for equality and to make proposals for action for the new strategy in 2010. EESC’s recommendations aim notably at further guaranteeing equality between men and women in the job market. Gender equality “should be mainstreamed into all policies, especially social and employment policies”¹⁸² and the gender perspective (should be mainstreamed) into migration and asylum policy¹⁸³. In addition, gender equality should be included as a priority in the EU 2020 Action Strategy. The EESC considers that the unequal pay issue can be dealt with through legislation and collective agreements involving all economic and social stakeholders. In this Opinion, the EESC also calls for more policy involvement both at the EU and the national level with the former acting as a leader, an example to follow. Finally, the

¹⁸⁰ *Idem*, p.12.

¹⁸¹ SOC/350 – CESE 448/2010

¹⁸² *Idem*, p. 1.

¹⁸³ *Idem*, p. 7.

EESC points out that via social dialogue and collective bargaining social partners play an important role in gender equality issues. It gives as an example the FA on Parental Leave (see below) and calls for more actions that will ensure equality between women and men.

*People with disabilities: employment and accessibility by stages for people with disabilities in the EU. Post-2010 Lisbon Strategy*¹⁸⁴

This exploratory Opinion was adopted by the EESC plenary session in March 2010. It deals with discriminations faced by people with disabilities in their daily life. The EESC requests for a specific section on disability – taking also into account young people with disabilities – to be included into the EU 2020 strategy which shall also apply the principle “Nothing about disabled people, without disabled people”. Furthermore, according to the EESC, a European Disability Pact needs to be adopted like the one on gender and youth. Recognising the repercussions the media have on the way the public faces the question of diversity, the EESC asks to promote awareness-raising campaigns that will help combat stereotypes. This Opinion also encourages the adoption of initiatives like the European Capital of Universal Accessibility or the introduction of a “qualifications passport”.

As far as social partners are concerned, the EESC asks them to include the disability dimension in their negotiations at the intersectoral, sectoral and company level. Member States should support these efforts. The EESC also calls to keep funding - through the PROGRESS programme - European organisations for people with disabilities and all the other bodies involved in the social integration process. The EESC explains the essential role that social partners play, by means of collective bargaining, in helping people with disabilities overcome obstacles they face when accessing the job market. Social partners

¹⁸⁴ SOC/363 – CESE 449/2010

are also involved in the conception and implementation of companies' plans for diversity at the workplace. In this context, the EESC reminds the FA on Inclusive Labour Markets (see section 1). Finally, the EESC calls upon social partners to guarantee equality at work for people with disabilities, including equality in pay, equality in opportunities, equality in trade union membership and rights.

EESC's initiatives and activities

Labour Market Observatory

Within the context of the Labour Market Observatory (LMO), established in order to monitor and analyse labour market trends and challenges¹⁸⁵, the EESC organised a hearing on June 2008 about "The employment situation of people with a disability". The hearing panel brought together EC civil servants, representatives from stakeholder organisations and researchers. It was divided into three (3) parts, namely (1) general trends, (2) views of the social partners and civil society and (3) best practice models. Among the conclusions drawn up from the meeting are the following:

- NGOs should train trade unions and companies about disability issues,
- there is a need for support services and tutors at the workplace,
- NGOs should act as mediators between employers and persons with disabilities,
- employees with disabilities should set up a committee which will identify their needs and inform their hierarchy,
- there is a need to collect data on disability at the national and the EU level and to create indicators for monitoring purposes.

¹⁸⁵ <http://www.eesc.europa.eu/?i=portal.en.lmo-observatory>

Other Activities

Among the activities the EESC has carried out in recent years, the following may be mentioned:

- The EESC 2010 Biennial conference on "Education to Combat Social Exclusion" was held in Florence in May 2010. This conference gave emphasis on education as a mean to combat discrimination. It was articulated around three (3) Workshops all dealing with education, whereas Workshop n°2 particularly focused on the connection between education and the labour market¹⁸⁶. The conference called upon the EU to launch a green paper on education.
- Public hearing on employment and gradual accessibility for people with disabilities in the EU. Post-2010 Lisbon Strategy. Held in Brussels in December 2009.
- "Older workers – work and retirement", an extraordinary meeting of the Workers' Group was held in Brussels in July 2009.
- A Conference and an exhibition to promote the EESC Opinion on the Roma were held in Brussels in June 2009.

Remarks

The EESC has undoubtedly played an important role in fighting discrimination, through its numerous policy proposals and its multiple involvements in social dialogue. The above-mentioned Opinions and activities covered different grounds of discrimination. The role played by civil society was highlighted in the European Councils Resolution of the 5th of December 2007 on the follow-up of the European Year of Equal Opportunities for All (2007)¹⁸⁷.

¹⁸⁶ The Biennial full Report is available at: <http://www.eesc.europa.eu/resources/docs/biennial-full-report-en.pdf>

¹⁸⁷ 2007/C 308/01.

In this Resolution, the Council, after welcoming the strong interest showed by all involved stakeholders including civil society in the 2007 European Year, invites member States and the EC, among others, to involve and to include social partners and civil society in the design of policies and programmes dealing with equal opportunities and preventing discrimination.

Finally, it asks civil society and social partners:

(a) to ensure the development and the promotion of policies on non-discrimination and quality and, in private and public organisations, to promote diversity and equal opportunities policies,

(b) to include in their negotiations positive action and measures on non-discrimination,

(c) to continue the EU and national level dialogue,

(d) to cooperate with governments, EU institutions and equality bodies in order to set up a global partnership aimed at preventing discrimination.

6.3.4. The role of the Economic and Social Council of Greece

The Economic and Social Council of Greece (OKE/ESC) was established in 1994 by means of law No 2232/1994, as the institutional expression of social dialogue, whose main mission is to formulate Opinions on bills and other issues referred to it by the Government. Latter on, in the year 2001, the ESC was explicitly protected by the Greek Constitution (art. 82 par. 3). The Greek ESC was based on the model of the EESC. The objective of the ESC is to promote social dialogue and to formulate mutually acceptable (if possible) positions on issues of concern to society as a whole or specific social groups.

Law no 3304/2005 transposed the directives on the application of equal treatment irrespective of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation 2000/43/EC and 2000/78/EC into Greek law. The law did not only appoint, as requested by the directives, the bodies for the promotion of equal treatment; moreover, it precluded that ESC issues an annual Report, which includes new proposals to the Government and the social partners in order to promote the principle of equal treatment and also to take measures against discrimination (art. 18 of law no. 3304/05). In this framework, the ESC has so far published five (5) annual Reports for the application of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation¹⁸⁸.

In the field of equal treatment of men and women, the ESC has undertaken the mission to conduct the social dialogue. In accordance with article 18, paragraph 2 of law No 3488/2006, the ESC, in the framework of its mission, promotes social dialogue on issues of concern to society as a whole and specifically on social issues with its organisations – members, in order to inform them and moreover to encourage them to take part in the promotion of the principle of equal treatment, as provided by the present law.

The first part of this chapter is dedicated to the ESC's efforts to promote social dialogue and to contribute to the combat of discrimination through the preparation and the drafting of its annual Reports and Opinions on the principle of equal treatment. The second part of the chapter refers to all other activities on this topic.

¹⁸⁸ Annual Report for the year 2005 (Opinion 157), Annual Report for the year 2006 (Opinion 183), Annual Report for the year 2007 (Opinion 196), Annual Report for the year 2008 (Opinion 223), Annual Report for the year 2009 (Opinion 247). Available at: <http://www.oke-esc.eu> (in Greek).

The ESCs annual Reports & Opinions on equal treatment

The annual Report has many aims: (a) it tries to inform social partners about all evolutions, at the European and the national level, on the principle of equal treatment, (b) it attempts to monitor the situation prevailing in the Greek labour market, but also in general, (c) it observes the work done by the three (3) bodies for the promotion of equal treatment and (d) it formulates proposals, including own ESC initiatives, for the promotion of equal opportunities.

In order to draw up the present chapter, the ESC, seeking the broadest possible exchange of views, addressed itself to the three (3) authorities responsible for monitoring the enforcement of the law (the Ombudsman, the Labour Inspectorate and the Equal Treatment Committee of the Ministry of Justice), as well as to institutions and a large number of NGOs with activities falling within the thematic areas of the law.

One very important finding of almost all Reports refers to the outcome of the work carried out by the bodies for the promotion of equal treatment. The Greek Ombudsman has so far accepted numerous complaints and has reported repeatedly as to the grounds of discrimination, the specific cases, the reason of the discrimination, as well as to the solution that has eventually been found following its intervention. Moreover the Greek Ombudsman has developed many other activities aiming at promoting the social inclusion of vulnerable groups i.e. the Roma. Contrary to the role of the Ombudsman, the other two bodies for the promotion of equal treatment have so far (namely almost 5 years after the enforcement of law no. 3304/05) shown very little activity in the field. The Labour Inspectorate is obliged to monitor the principle of equal treatment in the employment field and to include a specific chapter on the matter into its annual Report. But, unfortunately, very few (if any)

breaches of the principle have been identified and no such specific chapter has ever been included into the annual Report of the authority. The Labour Inspectorate justifies these shortcomings by the fact that the employees (whose complaints it receives) are not aware of their right not to be discriminated. Similarly, the Equal Treatment Committee of the Ministry of Justice, entrusted with the responsibility to monitor the principle of equal treatment when violated by private persons and enterprises in the field outside employment, has no complaints and no activity to report.

The ESC has repeatedly stressed and criticised these shortcomings, which do not allow for the principle of equal treatment to be implemented properly in practice. It has, moreover, stressed the fact that the bodies for the promotion of equal treatment should be independent; they should not be State authorities. Of the above-mentioned bodies, only the Ombudsman is an independent authority.

When noting down the current situation concerning the issue of discrimination, the annual Reports, and other Opinions, the ESC does not only look into the function and the Reports of the bodies for the promotion of equal treatment; it also takes into account all opinions expressed by all stakeholders participating in the social dialogue conducted during the preparation of the Report and it often points out the basic findings regarding Greece, coined by other Reports drafted by NGOs and international organisations on the issue of human rights. This activity promotes social dialogue and leads to specific proposals made by the annual Report.

The proposals of the ESC's annual Reports and Opinions are addressed mainly to the State authorities. The proposals are twofold: (a) proposals for legislative change and (b) proposals for the effective equal treatment. Some of the most important proposals made so far are the following:

Proposals for the practical application of the equal treatment principle.

- Improving awareness of persons belonging to the vulnerable groups by means adapted to their special requirements,
- sensitisation of persons who do not belong – or do believe they belong- to the vulnerable groups,
- training of public officials (police, labour inspectors, judges etc.),
- providing a local dimension to the above-mentioned actions,
- making the school education a mean to change mentalities and to accept diversity,
- application of specific programmes for the improvement of living conditions, education,
- employment of vulnerable groups,
- coordination of public authorities with controlling competences,
- provision of legal aid,
- broader interpretation of law provisions on the authorization of NGOs.

Proposals for legislative change.

- Coordination of all bodies responsible for the promotion of the equal treatment principle, in line with to the coordination achieved by means of law 3488/06 (application of the equal treatment principle of men and women in the field of employment) which is based on the cooperation of the Ombudsman with the Labour Inspectorate, as the appropriate State authority for the control of the application of labour law,
- the extension of the equal treatment principle outside employment should be examined by the Greek State in cooperation with members of the civil society,
- the provision on the burden of proof and on the authorisation

of NGOs to represent possible victims should be included into the codes of trial process,

- examination of other legislation which might introduce direct or indirect discriminations. Such an examination should be assigned to a competent Committee. Once the Committee's Report is finalised, the discriminating law should either be abolished or appropriately modified,
- ratification of international conventions prohibiting discrimination or protecting the rights of vulnerable groups, which have not yet been ratified by Greece,
- expansion of services for working parents and persons looking after dependent persons in general.

As to the principle of equal treatment of men and women in the field of employment, the ESC has, on the one hand, welcomed all improvements of the relevant legislation but, on the other, it has stressed the fact that there are still significant differences of wages between men and women and a lack of measures to enhance the reconciliation between family and professional life¹⁸⁹. Moreover, the ESC has repeatedly requested the increase of all measures to secure the inclusion of migrants and persons of different religion and culture into the labour market, as well as their access to all services and goods (education, health, etc.).¹⁹⁰

The rights, inside and outside employment, of migrants, aliens and persons seeking asylum, have often been a topic of the ESCs

¹⁸⁹ Opinion 234: "Implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation - Harmonisation of the legislation in force to Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 and other relevant provisions" (Draft Law) March 2010.

¹⁹⁰ Recently, Opinion 198: "National Strategy Report for Social Protection and Social Inclusion 2008-2010" – (Government Proposal) July 2008.

activities. The ESC considers the key aspect of social integration as a two-way process, which means acceptance by the host society of difference and respect on the part of foreign nationals for national laws. A key focus of action for the integration of second-generation migrants is of course education, which plays an important role in forming children's character, and above all in learning migrants' mother tongues and host country languages. An important aspect of integration is the respect of migrants' rights, since migrants whose fundamental rights are not respected cannot be expected to be integrated into host societies¹⁹¹. Finally, the recent legislation reforming the Greek law on acquiring the Greek citizenship was considered by the ESC as a step towards the better protection of aliens' rights¹⁹².

Other activities

During the year 2009, the ESC undertook a significant initiative, namely to develop a "National Social Development Agreement". This Agreement was the result of a rather broad social dialogue which took place in two phases. Firstly, all the Opinions issued by the ESC from 1994 till 2009, were elaborated in such a way as to draft a text containing all the basic views of the ESC on a large number of topics, including the topic of equal treatment irrespective of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation, of equal treatment of men and women in the field of employment, as well as migration. At a second stage, these views were discussed by the social partners and the outcome was included into the Agreement that incorporated all the above-mentioned proposals.

¹⁹¹ Opinion 232: "Contemporary arrangements for the Greek Nationality and the political participation of Greeks and the legal migrants, and other clauses" (Draft Law) March 2010.

¹⁹² Opinion 229: "Migration" (Initiative Opinion) February 2010.

Moreover, in 2010, the ESC, in cooperation with the EESC, organised an international conference on the topic: “European Migration Policy: Contemporary Challenges & Effects on Mediterranean Member - States of the EU”. The conference examined the European Migration Policy, among others, from the perspective of the rights of migrants. As pointed out in the conference’s conclusions, the new broad direction of a common European policy should be towards the full recognition of human rights of aliens, including labour rights.

Finally, another noteworthy activity is related to the participation of the ESC in various “Legislation Preparatory Committees”, namely committees with the participation, among others, of social partners, which discussed planned legislative changes. The ESC has, for instance, participated in the preparatory committee for the reform of the legislation governing the Labour Inspectorate. The ESC has also requested that the latter includes a specific chapter in its Report as explicitly required for within the legislation governing it. The proposal has been accepted.

Remarks

The ESC has developed numerous and intensive activities to promote social dialogue on the issue of equal treatment. This issue has become a topic of social dialogue between social partners, who are now aware of the relevant legislation, the existing problems and the measures that need to be taken. Thus, the aim of the ESC to inform its members on this issue has been achieved.

One important activity is the monitoring of the existing situation in society, economy and, especially, the labour market. Through this monitoring the ESC has gained important “know-how” as to the detection of possible discrimination and shortcomings relevant to the fight against it. Additionally, the ESC exercises pressure to

the authorities in order for them to improve the respective control mechanisms.

Furthermore, the formulation of specific proposals is considered to be a successful means to promote the principle of equal treatment, since such proposals are widely discussed with the social partners, the bodies for the promotion of equal treatment, the authorities and, at a second stage, some proposals are finally accepted and realised.

The initiatives undertaken by the ESC in recent years towards the rights of migrants have also had a positive impact, since they achieved awareness and activation of the social partners in the direction of more intensive protection of migrants' rights.

6.3.5. Concluding remarks

The role played by social partners at European level, as well as by the EESC and ESC, as organisations for institutionalised social dialogue, for combating discrimination has so far been quite important. Social partners are often called upon to act against discrimination, mainly because their activation could provide a solution of the problem at its "roots". Informed employers are less likely to discriminate and informed employees are less likely to be discriminated. Such a "preventive" role is exercised through many means, as for example (a) collective bargaining and negotiations and (b) sensitisation of members through actions which imply discussion, information, introduction of good practices, drafting of Reports and undertaking of specific research etc. Though of crucial importance, this is not the only role played by social partners; in addition to their domestic initiatives, they also affect the policy implemented at the national and European level, since their proposals and criticism are often addressed to the national and European authorities.

The above-mentioned activities allow us to draw the conclusion that European social partners, the EESC and the ESC have so far functioned in the following manner:

(a) Recognising the importance of fighting discrimination and showing commitment to their respective role

As mentioned above, social partners seem to acknowledge, firstly, that discriminations are an essential problem in the field of employment which concerns them directly and, secondly, that the abolishment of discrimination is positive also in employment and development terms. Combating discrimination is considered as bringing benefits, since it implies an inclusive labour market, better working environment, better productivity and social cohesion. The impact of the European legislation and policy has been decisive: the vast majority of social partners' actions and initiatives were based on the EU policy and programmes. Especially the "European Year of Equal Opportunities for All" has led to important successful initiatives. However, social partners seem to be committed to their role to fight discrimination and to accept their responsibility to act against it in a permanent manner. This conclusion is drawn on the occasion of the adoption of two FAs, on inclusive labour markets and parental leave, despite the crisis that could have impeded such initiatives.

On the other hand, when the time comes for "a step forward" – namely for the extension of the principle of equal treatment outside employment and for the setting into force of a single instrument – the position of social partners is differentiated. Those for are the employees, i.e. ETUC, those against are the employers, i.e. BE, EuroCommerce, UEAPME and CEEP. The latter invoke the "cost" argument: more legislation means more and new obligations for enterprises, which therefore makes the legislative

progress counterproductive and counter-competitive. Employers also call for a better application of the existing legislation, which is however a point also made by ETUC. ETUC seems to be the European social partner with the most active role in combating discrimination, not only because of its position towards a new directive, but also due to the great number of initiatives it has undertaken in favour of all vulnerable groups, including lesbian, gay and transgender people.

(b) Achieving successful preventive actions

The added value of specific social partners' initiatives has been to identify causes and find concrete solutions for the problem of discrimination. As mentioned above, many contributions have tackled an important obstacle; they "diagnosed" possible causes for discrimination and undertaken actions against the cause so specific that the majority of enterprises can apply. Examples of such actions are:

(a) the FA on parental leave, which specified recruitment methods raising obstacles to enter the labour market for persons who may be discriminated against,

(b) the FoA on Gender Equality set specific priorities and it articulated concrete proposals, which led to visible improvements (e.g. flexible working arrangements),

(c) the UEAPME Compendium included a number of good practices developed by national social partners, such as (i) recruitment methods which combat discrimination (standard applications), (ii) practices to help employers recognise discriminatory behaviour, (iii) assistance and mediation from external actors to employers when hiring people belonging to vulnerable groups.

(c) Sensitizing members (at the European, national, local level)

Good results existed also in this area. The FoA on Gender Equal-

ity, reached national social partners, who took action in the direction indicated by BE, UEAPME, CEEP and ETUC. The UEAPME Compendium in particular included initiatives developed by national enterprises, also at the local level. These initiatives are a proof of the effort to develop tools enabling both employers and employees to practically contribute to the combat against discrimination, as well as to the promotion of debates and campaigns that will provide information on the diversity issue.

(d) “Reaching” the State & affecting public policy

Social partners often achieve to be heard by national and European policy makers. Some examples are the FoA on Gender Equality, which affected EU policy, and the work of the ESC in the above-mentioned Legislation Preparatory Committees.

(e) Challenges for the future

Although social partners do act in favour of equal treatment, it seems that there is still a lot they can do. This conclusion refers to all kinds of possible social partners’ initiatives, since (i) better regulation is indeed needed (also at the national level, as demonstrated by the ESC proposal on detecting discriminatory legislation), (ii) additional good practices are necessary, since not all discriminatory practices are abolished, (iii) there is still a lack of information at the national and local level of social partners’ organisations and definitively at the level of single employers and employees and (iv) more should be done at the European and, especially, national policy field as regards the application of the existing legislation in practice and the changing of mentalities and established stereotypes. Through their proposals and activities, social partners have shown a particular interest in preventing discriminations in our society. However, as long as people will continue to be victims of discriminations inside and outside the employment field, social partners’ organisations – in

view of their contribution to the strengthening of social cohesion – will need to further develop and carry out such initiatives and activities.

6.4. Empirical evidence from the focus group discussions on discrimination

In the framework of the project “Establishment of an Observatory for Combating Discriminations” the project partner “Efxeini Poli” organised three focus group discussions in Thessaloniki, Athens and Kalamata, in view of exploring the issue of discrimination from the perspective of local government agencies, NGOs and public agencies. The participants were all first line, experienced professionals working in the field and cooperating directly with vulnerable groups. Some of them had experience with the local population, whilst others specialized on particular vulnerable groups (i.e. disabled persons, drug addicts, immigrants, repatriates, etc.).

The discussions focused on the following four themes:

- (a) Discriminations and stereotypes against vulnerable groups (areas and types of discrimination, employment, education, public administration, groups subject to discrimination).
- (b) Discriminations in the light of the economic crisis.
- (c) The role of local government in combating discriminations.
- (d) Tackling discriminations in the country - good practices, recommendations.

6.4.1. Discriminations and stereotypes against vulnerable groups

Discrimination is considered as a particularly complex issue,

whereas related concepts require further clarification. For instance, “prejudice” was defined by some participants as a pre-judgment of a person or subject and “stereotype” as the by-product of prejudice. There is a certain stereotype for each social group and every one of us expresses stereotypical views. Discrimination however is not only “negative”, but can also be “positive”. The former leads, according to participants, to the marginalization of target-groups, whereas “positive” discrimination is characterized by paternalism, which essentially leads to the direct stakeholders becoming passive agents. Some participants claimed that accepting diversity is essentially a matter of general education and good manners. On the other hand, political correctness does not necessarily imply the absence of discrimination. The Scandinavian countries are noted as an example, where the endorsement of pro-multiculturalism measures on behalf of the State was not followed by a corresponding change of attitudes within the society.

Participants highlighted language barriers as a basic factor of discrimination, especially for the groups of returnees and expatriates. In some cases, social exclusion due to language barriers creates a never-ending vicious cycle, since groups who do not speak Greek develop quite closed social circles. Language barriers appear to particularly challenge students belonging to such groups, a high proportion of which face learning difficulties. Furthermore, discrimination faced by students coming from socially excluded groups often leads to dropping out of school. School dropout is an extremely serious matter, since rates are particularly high among children subject to discrimination. We should also note that people with disabilities are systematically excluded from the educational process. Bullying, a phenomenon observed among students, which has recently taken enormous dimensions, seems to be linked with experienced discrimination, since numerous “predators” have also been “victims” of discrimination.

Discrimination on multiple grounds is an issue that is not much discussed, but should alarm us. For instance, people with a psychiatric diagnosis are excluded from the labour market, because of their presumed aggressiveness. Social stigma following a psychiatric diagnosis becomes a significant barrier for many aspects of personal, social and work life for both the person carrying the diagnosis and their families. In addition, fear of stigmatization might prevent the families of people with disabilities from turning to special schools for their children, thus further exacerbating their marginalization.

Discriminatory treatment of vulnerable groups' members by public and private services could have a dramatic impact on these people (for example, a denial to serve drug users could even threaten their lives). As far as direct or indirect denial of service is concerned, two key points should be closely examined: a) the role of services, which should mainly aim to the empowerment and mobilization of direct stakeholders for the fulfillment of their demands and b) recruiting in these services personnel that respects social diversity. More specifically, professionals working in services for vulnerable social groups should be able to recognize and restrain their personal prejudices, while promoting their beneficiaries' autonomy.

Discrimination frequently stems from gaps in the institutional framework or from its complete absence. Such weaknesses hinder the smooth integration of vulnerable groups, as well as their ability to have equal access to basic services, such as healthcare and education. At the same time, the lack of infrastructure to effectively serve the needs of target-groups deteriorates their already harsh position and leads to more and more discrimination. Participants remarked that failing to adopt measures for the protection of all social groups' rights, constitutes discrimination. They stressed, however, the need to regularly re-evaluate the criteria of defining a group as vulnerable, in order to avoid targeting certain individuals and groups.

Employment is a basic field where discrimination occurs, often because state agencies ignore the special attributes of disadvantaged individuals. The example of people with disabilities is of great relevance here. The prevailing stereotype about people with disabilities is that they are not able to work and participate in the production process. Existing measures are not adequate, or they are accompanied with endless red-tape procedures that prevent employers from recruiting individuals from the target groups. Thus, the need to raise awareness, inform, as well as familiarize employers with the principles of diversity management becomes evident, in order for them to be able to realize how their company could benefit from employing “different” workers. Alternative forms of employment, such as social cooperatives, protected production workshops and simulation, could bring significant benefits, particularly to groups that need a lot of effort in order to embody the organizational culture and finally achieve their inclusion into employment (e.g. drug addicts and former drug users).

Discrimination in the light of the economic crisis

A common perception of all focus groups was that the economic crisis has worsened discrimination and that vulnerable groups place themselves in competitive terms against each other. Citizens increasingly feel that they are being treated unfairly and the question is raised all the more often: “who has the right to enjoy basic social goods (healthcare, education, welfare) in the country?” Targeting certain social groups, such as immigrants, is now a common phenomenon, since the deteriorating situation of public services is attributed to these groups. Some participants pointed out that documented migrants that seek assistance from services (e.g. OAED), are treated by Greeks in a hostile manner. Moreover, second generation immigrants’ attitudes towards foreigners that came to Greece at a later date are also extremely negative.

At the same time, almost all professionals participating in the focus groups estimated that social tensions and discrimination will deepen even further as a result of the economic crisis, since the number of socially vulnerable people will continue to rise. The participants, particularly those from local authorities pointed out that, due to the economic crisis, new vulnerable groups emerge, consisting of Greek citizens, with a previously good standard of living, who are currently unemployed, are facing financial difficulties, cannot ensure basic living standards and some are even homeless. This situation, coupled with inadequate and / or non-existent measures of the central and local government to address new needs, will exacerbate discriminations against groups already affected and will cause ruptures in social cohesion.

It was also stressed that welfare and employment programmes had been designed under extremely different economic conditions. Today, on the one hand, they are unable to cover the needs of the traditional vulnerable groups, whilst on the other they do not take into account new vulnerable groups, such as individuals whose socio-economic condition has changed due to the crisis.

6.4.2. The role of Local Government in combating discrimination

Participants claimed that the local government organisations could potentially play a decisive role in combating discrimination, since by definition they are closer to the citizens and can implement targeted interventions that respond to the particular needs at the local level. However, a series of inherent problems stands in the way. The Local Government is considered as lagging behind in terms of social interventions, while it lacks qualified staff, since “social” issues are not a high priority. A common assumption among participants was that the Local Government is unprepared to play an

important role, mainly because even today local officials operate with “public relations” criteria, giving low priority to combating discrimination. Moreover, there is no specialized personnel (or it is not used in an efficient way), which could design and develop anti-discrimination initiatives and prevention programs. A number of examples was reported, where administrative and political leaders in crucial areas did not have the necessary know-how or sensitivity and who refused to implement relevant programs. At other instances, the efforts made were blocked along the way. This attitude highlights the need to enhance positive initiatives, such as Municipal Clinics and Social Grocery Stores.

Furthermore, it was pointed out that local government organisations are currently going through a transitional period due to mergers of municipalities and prefectures and a great deal of their activities is now focused on the unification processes. More specifically, as a result of the recent administrative reform “Kallikratis”, municipalities were endowed with a great number of new competences that they have not yet been able to understand and assimilate. At the same time, it is common knowledge that most municipalities are over-indebted, thus, in combination with low prioritization, anti-discrimination interventions are not being funded. The issue of mismanagement of available resources, along with the lack of planning for the effective employment of volunteers in municipalities, also emerged at the focus groups interviews. As far as managing resources is concerned, participants noted that personal responsibility, that is the extent to which workers themselves support services without wasting resources, is of great importance, along with external evaluation regarding the rational use of resources. Participants agreed that, had there been an external evaluation, maybe today we could have avoided the horizontal closing down of services in the name of the economic crisis.

It was also noted that often, preventing discrimination is much less costly than dealing with its impact, but the Local Government doesn't seem to be in a position to operate with a cost-benefit analysis at the moment. A relevant example was presented in the Athens' focus group, concerning a large earthquake victims' camp site, where the inability to respond to the needs of the more vulnerable individuals led to their marginalization, whereas now the cost of necessary interventions in order to integrate them into the social tissue is huge. In addition, despite the fact that collaboration between the private (non governmental) sector and the Local Government is viewed as a solution to a number of the aforementioned problems (namely, qualified personnel, utilization of funding programs), no corresponding institutional measures are being taken in order for the Local Government to participate effectively in such a collaboration. The need to encourage cooperation among schools was noted in order to deal with instances of discrimination (tensions, aggressiveness, harassment) and to prevent discrimination and promote diversity tolerance. The need for Local Government to take initiatives in the area of employment was also stressed.

Participants agreed that discrimination is more manifest in the province. In small towns and cities, people with disabilities, for example, remain locked up in their houses, due to the fear of their families being stigmatized. Discrimination even occurs within the same prefecture, since people with disabilities living in urban centres have better access to services than those residing in smaller cities (exactly as people with disabilities living in Athens have access to more services than those living in the province). The need to decentralise services becomes thus evident. Municipalities could play a coordinating role for the decentralized support services, but need resources, both financial and human, especially qualified personnel.

6.4.3. Combating discrimination in Greece – Best practices, recommendations

A central stand of all participants in the focus groups was that anti-discrimination interventions should take place at several levels: institutionally (at the central State level), among the wider public and among those individuals and groups that are subject to discrimination. Some participants appeared pessimistic about the future of combating discrimination in Greece, for the reasons described above (insufficient or inappropriate services, programmes and resources for the prevention and tackling of discrimination), as well as due to the impact of the adverse economic and social context the country is experiencing. As they specifically noted, the main problem in Greece lies not in the absence of a legislative framework, but in the inability to implement that framework, due to ignorance, lack of staff and appropriate infrastructure, but also due to the fact that political leaders introduce new legislation without ensuring that this will be enforced. The need to decentralize policies and services is highlighted once again, as well as the importance of personal and family responsibility.

Participants did agree however that there exists a number of noteworthy pilot applications, interventions, methods and tools in the field, which have been developed and run under programmes co-funded by the EU. However, in order for such tools to be effective, they should be translated into specific measures and policies. If not, their effectiveness will remain extremely low, due to their fragmentation and limited application. Some community funded initiatives, such as the psychiatric reform which was eventually dropped, constitute an example of poor implementation. This indicates that it is not that hard to adopt a positive European example, but it is hard to preserve it.

As far as the education of people with disabilities is concerned, “parallel support”, that is providing the person with assistance inside the classroom by a special educator, was signaled out as a best practice. Participants noted that certain positive steps have been taken during the past 20-25 years, although they were steps towards integration rather than inclusion. That is, the vulnerable person is asked to adjust to the social environment (e.g. school), whereas the environment is not informed or does not know how to deal with the person. Supporting teachers who come into contact with people with disabilities, immigrants or students belonging to other vulnerable groups is recommended, whilst it was also pointed out that Greece does not have a consistent inclusion policy for such groups.

The process of establishing Immigrants’ Councils in Municipalities was described as another best practice. The example of the Municipality of Korydallos was mentioned in the Athens’ focus group, where an immigrant/mediator was hired and who, assisted by the municipal services, organized preliminary actions (documenting needs, technical and legal aid for the establishment of collectives). Participants in the focus group of Thessaloniki, on the other hand, mentioned that the possibility to be transferred to other municipal services is provided to workers who state that they do not wish to work with foreigners due to “ideological” reasons.

As far as employment and occupation is concerned, the need to educate direct stakeholders was highlighted, in order for them to acquire an occupational culture. Providing planned and methodical preparation, support and guidance to people who for subjective reasons find it difficult to find and maintain a job, was described as a best practice. The recruitment of a specialized counselor at the workplace, a practice which is implemented in many countries abroad, is judged as a necessary step for both workers and enterprises in order to combat discrimination and to improve the workplace

climate. The establishment of social cooperatives, where people with mental health problems could be employed and develop their personality is presented as a best practice that could also help fight the stigma of mental illness.

As for recommendations for effectively combating discrimination, participants mentioned, among other things, the need to inform and raise awareness both among the general public, as well as other key players (educators, public officials, employers) and to better plan and implement targeted programs at the local level. Promoting programmes and services, that are staffed with qualified and flexible personnel and respond to the particular needs of target-groups was indicated as extremely important. Educating and supervising workers of such services is viewed as necessary, in order to ensure their smooth and effective operation. Supporting professionals working with vulnerable groups and creating interdisciplinary groups could help support the competent services. Finally, participants again stressed the need to re-evaluate the criteria, according to which individuals and/or groups are defined as subject to discrimination.

Personal responsibility, along with education, research and the pilot implementation of relevant programs, constitute the best tools for combating discrimination. The social participation of all citizens could lead to an overall social change, since only through contribution and participation could such phenomena be effectively dealt with. Some participants have noted that discriminations constitute a threat against social peace, since they can easily lead to outbursts of violence, as the recent riots in the United Kingdom show. The formation of coalitions between local volunteer groups, as well as the general spirit of cooperation and the promotion of information, are necessary elements for combating discrimination.

7. Policy recommendations

A number of useful policy recommendations on combating discrimination have been put forward throughout this work, covering a wide range of issues, such as the institutional framework, the policies pursued, the statistical analysis and monitoring of various forms of discrimination, and the role of the social partners, the local government and the civil society organisations in addressing the issue. Below follows a codification of these policy recommendations, by area of intervention.

One cannot analyse discrimination without a sound theoretical background, but also access to reliable and appropriate statistical data and methodological tools. In this respect, the authors point out to the urgent need of data collection and research on discrimination, in order to serve as a solid analytical tool for policy design and formulation. There is a need for reliable indicators to assess and evaluate the impact of initiatives as such.

The *institutional framework* and the legal armoury on combating discrimination, at all levels –international, European, national– have greatly improved over the past years. All EU directives on discrimination have been incorporated in national law and a number of institutional bodies have been established to monitor the implementation of legal provisions. However, in Greece, there still remains a lot to be done in order to promote a more efficient and

less complicated legislative framework for fighting discrimination and to remedy any gaps and obscurities. The necessary changes and adjustments in Law 3304/2005 in particular, should clearly provide the prohibition of multiple discrimination and abolish any exceptions for discriminatory treatment on the grounds of immigration status or nationality. All ambiguities regarding the definition of the legal protection that vulnerable groups should enjoy need to be clarified. The national institutional framework should ensure protection against discrimination for all individuals and across all sectors of life. This requires exactly the same level of protection for everyone, without a hierarchy of rights among the different grounds of discrimination. It also requires the adoption of a comprehensive anti-discrimination strategy targeting all fields of discrimination, besides employment, and the introduction of non-discrimination mainstreaming to all policies. In this direction, the extension of both Community and national legal frameworks, so as to include other groups facing discrimination such as asylum seekers, persons recently discharged from prison, as well as former drug addicts and lone parent families would help remedy the shortcomings of the prevailing framework.

Finally, initiatives targeted at empowering the vulnerable groups themselves are equally important. The victims of discrimination often ignore their rights or how to pursue them. They lack legal protection and may face huge cultural barriers in addressing the competent authorities. To this end, the activation of lawyers through a system of voluntary legal support to those groups would be of great help.

Raising awareness on discrimination issues among the general public, as well as the key players, through information campaigns is of paramount importance in view of demonstrating the benefits of a diverse society and in tackling both direct and indirect discrimina-

tion. As far as the central government is concerned, its primary duty should be the dissemination of information regarding the existing laws on combating discrimination. Promoting the social dialogue among governments, civil society and social partners will also contribute towards this direction. Additionally, the NGOs can play a decisive role in defending the victims of discrimination, provided their status is legitimized. In this respect, the Greek state should seriously take into consideration the reports of specialists on discrimination issues (e.g. reports by the Greek Ombudsman, OKE, NCHR), but also those of specialized international organizations. A step in the right direction would be the integration of the three separate Equality Bodies entrusted with the monitoring of anti-discrimination policies into one single authority. This integrated Equality Body should be able to act automatically when discriminative behaviour is detected, even if the victim is reluctant or afraid to report it.

As regards the *social partners*, the combat against discrimination is an on-going process which requires an increased and constant monitoring. Moreover, the dialogue on discrimination-related issues should continue, develop and expand in order to include as many social and economic actors as possible. This is even more pressing these days given that new vulnerable groups have emerged which include, among others, pregnant women, single parent families or people with limited financial resources. In this direction, the conclusion of an “intergenerational social agreement” becomes central and should be progressively adopted by the social partners and implemented in the Greek society.

Finally, from their part, professionals of government agencies, NGOs and public agencies working in the field and cooperating directly with vulnerable groups, also pointed out, among other things, the need to inform and raise awareness both among the general public, as well as other key players (educators, public officials, em-

ployers) and to better plan and implement targeted programs at the local level. Promoting programmes and services, that are staffed with qualified and flexible personnel and responding to the particular needs of target-groups is of extreme importance. Educating and supervising workers of such services is viewed as necessary, in order to ensure their smooth and effective operation. Supporting professionals working with vulnerable groups and creating interdisciplinary groups could reinforce the competent services. Finally, the need to re-evaluate the criteria, according to which individuals and/or groups are defined as subject to discrimination was stressed.

It becomes evident from the above presentation that the continuous monitoring of discrimination, both actual and perceived, is a challenge that the European countries need to face and successfully tackle.

8. Conclusions

The two main theoretical approaches to discrimination are the neo-classical theory and the labour market segmentation theories. According to the neoclassical economic theory, discrimination is a cause of failure of the labour market and a source of injustice in income and wealth distribution. It is usually subject to governmental intervention, e.g. through prescriptive regulations and legislative acts. In opposition to the neoclassical approach, the segmented labour market theories highlight growth and the impact of institutional restraints and determining factors in shaping employment wages. The central hypothesis of such alternative approaches is that segmentation does not derive from the diversity of characteristics and skills, but from the inherent diversity of the structure of the labour market itself, which consists of a primary sector with high salaries and internal labour markets and a secondary one with low wages and the use of workers from external labour markets.

In the framework of sociological theory, discrimination is defined as the differential treatment of people belonging to certain social *categories*. The meaning of “*categories*” in sociological research reflects parts of the population, whose essence and composition are defined by the person constructing the concept of category. That is, categories are nothing but technical constructions of scientists and researchers. Through this process, *categories* are

being conceptually differentiated, even in contradiction, from *social groups*, that is, the existing, real and substantial entities, which are defined by the nature of social relations among social subjects that constitute the social group and which are translated as *categories* by the researcher. This conceptual differentiation is of extreme importance in studying gender discrimination. The use of the term “social gender”, which refers to socially constructed gender differences, versus the term “biological gender”, which refers to biological differences, could be of extreme analytical usefulness in social research and should be added to our classificatory reflections.

Regarding the measurement of discrimination and the determination of groups suffering discrimination, it is pointed out that data collected from both European and national sources suffer from a number of drawbacks, the most important of which is that these surveys are not designed to provide information on discrimination and hence, whatever information becomes available in this context is only a “by-product” of the general data. Statistical information collected for administrative purposes is probably even more problematic. As for Greece, the authors underline the fact that the available information on groups discriminated against in Greece is inadequate, comes from a variety of sources and is far from homogeneous with respect to definitions and data collection methods. What is worse, no attempt has so far been made to evaluate, monitor and improve the existing data and data collection methods.

As for the attitudes of the population towards discrimination, in general one can claim that, the attitude of the Greek society towards the vulnerable groups suffering discrimination is indicative of the society’s overall attitude towards ‘difference’ and diversity. To a great extent, the Greek society continues to be a traditional one.

In the area of the *institutional framework*, both national and

international, it appears that, although most EU countries seem to satisfy the application field of the Directives, there are still some notable gaps, which require an immediate response. For example, there is a lack of protection in employment and occupation in certain countries, especially in the public sector. Moreover, some countries provide limited protection when it comes to the distribution of goods and services, which is restricted to those goods and services which are available to the public. It is finally up to the courts to decide whether national legislation collides with the European legislation and to ensure the effective implementation of the law.

For Greece, in particular, we could maintain that, despite some legal gaps, there is now a comprehensive legislative framework on combating discrimination. However, one of the main characteristics of Greek State is the excessive number of laws, and as characteristically noted by Kornelios Takitos “the more corrupt a state, the more ruling it requires”. The coding of the existing legislation is required in order for the State to contribute to the civil rights’ protection. Sparse and complex legislation does not help citizens protect themselves from potential rights’ violations. Such an example could be derived from the field of immigration, one of the most vulnerable groups.

The fight against discrimination has gone a step further in Greece -despite the unfavourable economic and social climate- with the adoption of Law 3838 in February 2010 which, under certain circumstances, grants citizenship and the right to vote in municipal elections to second generation immigrants. Together with Anti-discrimination Law 3304/2005, Law 3838/2010 constitutes a milestone in anti-discrimination legislation, since it addresses a long-standing request by immigrants, NGOs and civil society organisations. However, the current economic and debt crisis which has hit Greece not only does not favour the assimilation of multiculturalism ideals, but rather it may fuel xenophobic behaviour.

Empirical evidence on discrimination in Greece is sparse and restricted to the dimensions of gender, age and citizenship for non-Greeks. The available quantitative and qualitative data suggest that discriminatory treatment prevails in Greece. For example, women continue to get lower wages than men, which is also true when young people are compared with people close to retirement. Similarly, data on poverty suggest that, compared to Greeks, a higher rate of immigrants live under the poverty line, while according to a recent report by the Greek Ombudsman, the Greek Roma face severe problems when it comes to housing. Statistical surveys in Greece do not systematically document most of the grounds of discrimination (especially disability, religious beliefs, sexual orientation, Roma), whereas racial and ethnic origin is indirectly, and often partly, inferred through information on citizenship or country of origin. As for the *perception* of discrimination by its victims, it is interesting to note that in Greece only an extremely small proportion of people report they consider themselves as members of groups that are subject to discrimination. The most commonly reported ground of perceived discrimination on behalf of the group is nationality and secondly age. These findings should not be considered as reassuring, because they do not entail an actual absence of discrimination in Greek society.

Regarding the discourse on the role that **civil society organizations** play in personal freedom, identity and social solidarity, the course of events has made it clear that this concept does not work in practice. Although there are many organized groups which have done a substantial amount of work both at the domestic and the international level, civil society *by itself* has not managed to protect or promote people's basic needs and interests. It has been constrained both by external factors (such as funding and resources) and by internal ones (such as competition and fragmentation). In the

post 2008 period, perhaps the main political issue will be related to the exploration of new and alternative ways to reconstitute public space, political participation and social life.

The role played by *social partners* at European level, as well as by the European Economic and Social Committee and the Greek Economic and Social Council, as organisations for institutionalised social dialogue for combating discrimination, has so far been quite important. Social partners are often called upon to act against discrimination, mainly because their activation could mean a solution of the problem at its “root”. Informed employers are less likely to discriminate and informed employees are less likely to be discriminated. Such a “preventive” role is exercised through many means, as for example (a) collective bargaining and negotiations and (b) sensitisation of members through actions which imply discussion, information, introduction of good practices, drafting of Reports and undertaking of specific research etc. Though of crucial importance, this is not the only role played by social partners; in addition to their domestic action, they also affect the policy implemented at national and European level, since their proposals and criticism are often addressed at the national and European authorities.

In the light of the pervasive economic and financial crisis that the country is currently experiencing, the austerity programmes enforced as a result of the bailout agreement have far reaching implications on the labour force. Indeed, provisions included in the labour law have been amended several times recently, causing a serious derogation of basic employment and social rights and depriving vulnerable groups of an effective social protection.

Personal responsibility, along with education, research and the pilot implementation of relevant programs, constitute the best tools for combating discrimination. Social participation of all citizens

could lead to an overall social change, since only through contribution and participation could such phenomena be effectively dealt with. Some participants have noted that discriminations constitute a threat against social peace, since they can easily lead to outbursts of violence. Networking between local volunteer groups, as well as the general spirit of cooperation and the promotion of information, are necessary elements for combating discrimination.

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ANNUAL REPORT (2009) ON THE APPLICATION OF THE PRINCIPLE OF EQUAL TREATMENT REGARDLESS OF RACIAL OR ETHNIC ORIGIN, RELIGIOUS OR OTHER BELIEFS, DISABILITY, AGE OR SEXUAL ORIENTATION [IN GREEK]

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- BUSINESSEUROPE POSITION PAPER ON THE COMMISSION PROPOSAL FOR A DIRECTIVE ON “IMPLEMENTING THE PRINCIPLE OF EQUAL TREATMENT BETWEEN PERSONS IRRESPECTIVE OF RELIGION OR BELIEF, DISABILITY, AGE OR SEXUAL ORIENTATION”
- CEEP OPINION ON THE COMMISSION’S PROPOSAL FOR A DRAFT DIRECTIVE ON “IMPLEMENTING THE PRINCIPLE OF EQUAL TREATMENT BETWEEN PERSONS IRRESPECTIVE OF RELIGION OR BELIEF, DISABILITY, AGE, OR SEXUAL ORIENTATION
- CONGRESS STATEMENT ON MINIMUM WAGES, EQUALITY AND COLLECTIVE BARGAINING
- COUNCIL DIRECTIVE 96/34/EC OF 3 JUNE 1996 ON THE FRAMEWORK AGREEMENT ON PARENTAL LEAVE CONCLUDED BY UNICE, CEEP AND THE ETUC
- COUNCIL DIRECTIVE 2010/18/EU OF 8 MARCH 2010 IMPLEMENTING THE REVISED FRAMEWORK AGREEMENT ON PARENTAL LEAVE

CONCLUDED BY BE, UEAPME, CEEP AND ETUC AND REPEALING
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ETUC ACTIONS AND ACTIVITIES ON PROMOTING EQUAL RIGHTS, RE-
SPECT AND DIGNITY FOR WORKERS REGARDLESS OF THEIR SEX-
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ETUC OBSERVATIONS ON THE COMMISSION'S CONSULTATION CON-
CERNING A NEW INITIATIVE TO PREVENT AND COMBAT DISCRIMI-
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EUROPEAN TRADE UNION ANTI-DISCRIMINATION AND DIVERSITY
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FRAMEWORK OF ACTIONS ON GENDER EQUALITY

FRAMEWORK OF ACTIONS ON GENDER EQUALITY – EVALUATION RE-
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FRAMEWORK AGREEMENT ON PARENTAL LEAVE - REVISED

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JOINT DECLARATION “FIGHT DISCRIMINATION AND GUARANTEE
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LABOUR MARKET OBSERVATORY - THE EMPLOYMENT SITUATION OF
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NATIONAL SOCIAL DEVELOPMENT AGREEMENT [IN GREEK]

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- OPINION ON THE SITUATION OF AGEING WORKERS FACED WITH INDUSTRIAL CHANGE – PROVIDING SUPPORT AND MANAGING AGE DIVERSITY IN SECTORS AND COMPANIES
- OPINION ON THE ROADMAP FOR EQUALITY BETWEEN WOMEN AND MEN (2006-2010) AND FOLLOW-UP STRATEGY
- OPINION ON PEOPLE WITH DISABILITIES: EMPLOYMENT AND ACCESSIBILITY BY STAGES FOR PEOPLE WITH DISABILITIES IN THE EU. POST-2010 LISBON STRATEGY
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- OPINION ON THE CONTEMPORARY ARRANGEMENTS FOR THE GREEK NATIONALITY AND THE POLITICAL PARTICIPATION OF GREEKS AND THE LEGAL MIGRANTS, AND OTHER CLAUSES [IN GREEK]
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SEVILLE MANIFESTO

STATEMENT ON PROMOTING EMPLOYMENT AND INTEGRATION OF
DISABLED PEOPLE IN THE EUROPEAN COMMERCE AND DISTRIBUTION
SECTOR

SYNTHETIC STUDY “EMPLOYERS’ OPINIONS, POSITIONS, PERCEPTIONS
CONCERNING THE EMPLOYMENT OF SOCIALLY VULNERABLE GROUPS
AND THE ADOPTION OF THE DIVERSITY MANAGEMENT AT THE
WORKPLACE” [IN GREEK]

UEAPME COMPENDIUM OF GOOD PRACTICES OF DIVERSITY AND
NON-DISCRIMINATION IN EUROPEAN CRAFTS, SMALL AND MEDIUM-
SIZED ENTERPRISES AND THEIR ORGANISATIONS

UEAPME POSITION PAPER ON THE EUROPEAN COMMISSION PROPOSAL
FOR A COUNCIL DIRECTIVE ON IMPLEMENTING THE PRINCIPLE OF
EQUAL TREATMENT BETWEEN PERSONS IRRESPECTIVE OF RELIGION
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COM (2008) 426

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PROMOTERS OF DIVERSITY AND NON-DISCRIMINATION

VOLUNTARY GUIDELINES SUPPORTING AGE DIVERSITY IN COMMERCE

The present publication is the outcome of the work produced within the framework of the research programme “*Establishment of an Observatory on Combating Discrimination*” which was carried out during 2011 by the National Centre for Social Research (EKKE), in collaboration with the Economic and Social Council (OKE), the Labour Institute of the Greek General Confederation of Labour (INE/GSEE) and Efxini Poli-Local Authorities Network. The aim of this book is to shed some light on the multiple facets of discrimination encountered in Greece, to assess the availability and effectiveness of the various mechanisms established to address the issue (e.g. legislation, monitoring bodies, social partners, the civil society, etc.), and to put forward concrete and innovative policy proposals to combat discriminatory practices at every level. In view of more fully understanding the phenomenon of discrimination, the book draws both from a conceptual analysis of discrimination and inequality, as well as from reliable primary and secondary empirical data and best practices (from national and European sources).

In this respect, it is hoped that this book will contribute to the sparse literature on discrimination in Greece, will trigger of a public debate and promote further study on this highly important issue.



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