



Ένωση Ελληνίδων Νομικών

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Observations on the sixth periodic report of Greece (CEDAW/C/GRC/6)

Greece ratified CEDAW without reservations with law 1342/1.4.1983

The Greek Constitution, however, since 1975, proclaimed equality between men and women as well as the banning of all types of discrimination.

Moreover, the voting of many laws concerning equality in the last 3-4 years improved the situation.

During the previous decade when the women's movement was strong in Greece many campaigns had taken place to urge the government to implement equality.

In our days public opinion is positive towards equality and the majority of people believe that there is total equality in law and in practice. This is because indirect discriminations against women are not pointed out.

However indirect discriminations still exist as we analyze in the following paragraphs:

Equal right to work

According to the Greek legislation women have equal access

To all jobs,

To the same freedom of choice,

They enjoy equal choice in training, continuous training and must enjoy equal pay for equal work.

In practice the situation is different:

Discrimination still exists, especially in the private sector because equality at work costs money.

On the other hand, because of the very high rate of women's unemployment, because of the fear of not being hired or because of the fear of dismissal, women usually do not claim equality at work. As a result very few women dare to claim equal pay or equal rights at work in general and do not take legal proceedings.

For example according to the law it is forbidden to for an employer to deny a contract to a woman in pregnancy. Which employer will hire a woman knowing that she is pregnant, even if he knows that he is breaking the law? Which pregnant woman dares to or can afford to claim a work place that she is entitled to?

Sexual harassment

Although recently a law was adopted against sexual harassment it is still difficult in practice for a woman worker to protest and prevent her superior from harassing her sexually since she may lose the job and, given the high women unemployment, she may not be able to find another.

Social Security:

- According to our legislation women have every right to Social Security

Benefits, holidays, retirement, pension, protection during pregnancy and the post natal period etc.

In practice a smaller number of women, reaching the age of retirement are entitled to a pension.

This is because a number of women who raised their children were not able to work in the same period, or if they were dismissed, they could not find a new job, because of the high rate of unemployment of women and because women of age 40 and above are not hired.

- According to Law 3232/2004 *re pension of the divorced ...*”

The last requirement of the law (“*the total annual personal taxable income must not exceed the amount of annual pension paid to uninsured people by O.G.A. (Agricultural Insurance Organisation)*”) refers to an income so low (that is up to 210€month) that almost no one can benefit of this provision.

- According to Law 3226/2004 *re legal assistance to low – income citizens....*”

The second paragraph of the abovementioned subject (“*Low income citizens entitled to legal assistance are those whose annual income does not exceed two thirds of the lowest annual individual earnings, as defined in the General National Collective Labour Agreement*”) refers to an income so low (that is almost $\frac{2}{3} \times 625.97$ (re current calendar year; for 2007 an increase of 5% is provided) = 417.31€month) that almost no one can benefit of this provision.

- Cash benefits for maternity are also paid to all working mothers....”

The cash benefit the State refers to is about 12 to 18 €month.

- Student grants....”

The grant the State refers to is given to families that are starving (see thresholds of annual family income).

In interest of the children

According to our legislation both parents have equal rights and responsibilities with respect to their children.

- A discrimination still remaining in the Family Law is the one of Art. 1505 which refers to the choice of the family name of the children.

According to this article the parents can give to their children the family name of either parent, or of both parents. But if the parents do not declare about the family name of their children before the wedding, the children must take the family name of their father. As a result of this 99% of the children take their father's family name.

- A very important problem exists with respect of the alimony for the child, because it is not always easy to determine the amount of income of the parent obliged to pay [usually the father] and also in practice it is difficult to collect the alimony already ordered by the court.
- Appropriate measures have been taken to enable women to work, such as the introduction of day-care centers and nurseries but not in sufficient numbers .

For an integrated system of reconciling family and working life of women, the operation of all-day primary schools and kindergardens has been established. Already there are 3,964 primary schools and 2,169 kindergardens operating with extended working hours.”

Public Daycare Centres held by municipalities..”

The State implies that working hours of all-day schools & kindergardens are from 8.30 a.m. until 15.30 p.m.; further there are not enough public kindergardens and most of the parents are obliged to send their kids either to kindergardens held by the municipalities (where they have to pay 200€/month) or to private ones; and last but not least the number of all these institutions is so low (and they do not undertake children who do not know to go to the toilet alone) that the majority of parents use either private institutions or the grand-parents (if they exist) who take care of the babies. Greeks give still birth to children thanks to the existence & assistance of grand parents.

In the context of the program Equal our association conducted in the year 2002 a study concerning gender equality in the tourism sector whereby it was concluded that breach of labor legislation especially against women is a very common phenomenon, even though in large hotel units the existing legislation is usually being applied.

We report herein the conclusions of this study, in order to emphasise the maintenance of discrimination in a very important sector of women employment.

It was concluded that breach of labor legislation especially against women in the tourism sector, where women are the greatest labor force, takes place through several ways such as:

Non payment of salaries or benefits,

Non payment of overtime for night shifts,

Occupation on Sundays and holidays without additional salary,

Non payment for overtime, inadequate social security coverage etc

Working women usually sign on payroll bulletins that they have received full payment, whereas in fact they are being paid less.

Additionally, an important factor contributing to their inability to claim their rights is the non uniform regulation of labor agreements regarding workers in different sectors. This fragmentation very often generates total ignorance or confusion to workers of different sectors, regarding what rule of law is applicable in their case, results in a very limited possibility to reveal gender discrimination issues and to act through trade unionism, an important means of worker's information and right claiming.

The above violations harm mainly women workers, because they do react and claim less than men and are more susceptible to compromise or retreat because of:

-their submission to the concept of segregated labor market, which still exists due to the maintenance of stereotypes, so that the inferiority of female labor is taken for granted.

-fear of being dismissed due to high women unemployment and

-low educational level of most women working in the tourism sector, e.g. farmers and their ignorance of their labor rights.

Conclusion

As our answers and remarks prove, distance between theory and practice still remains in many fields concerning equality between men and women.

It is not easy to diminish this distance, but things would improve if laws concerning equality could be implemented in practice and the rights they provide could be exercised. Furthermore, intense control for the compliance with labour legislation would help women to claim and exercise their rights .

For the Association of Greek Women in Legal Professions

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