



Vocational Training Centre of the Labour Institute of the Greek
General Confederation of Labour (K.E.K. /I.N.E.-G.S.E.E.)

Code of Conduct against discrimination in the workplace

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The study team consisted of the following researchers:

-Anda Stamati

-Panagiotis Syriopoulos

The authors take full responsibility for the errors and deficiencies of this study.

"The information contained in this report does not necessarily reflect the position or opinion of the European Commission".



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Introduction

Work apart from being a means of personal creativity of the employee and a prerequisite for his/her socialization, survival and personal growth, at the same time, it reflects the social relations. Thus work by its nature is an essential condition that may ensure the absence of discrimination between all employed persons. The above observation highlights the existing potential in place which can actively combat and eliminate discrimination in the field of occupation.

The UN, the ILO, the European Council and the EU have recognized both at a national and international level the right of persons, either as autonomous entities or when exercising other fundamental rights, not to be victims of arbitrary discrimination.

Experience sustains that persons in their working environment, in the course of their professional life are quite often subject to adverse treatment based on their sex, racial or ethnic origin, political beliefs, age, disability or sexual orientation, namely based on personal data that either they cannot change or they cannot reasonably demand such change from their organization. Such adverse treatment may occur at any stage of the working relation, namely it can be associated to the recruitment, the maintenance or the termination of the working relation.

Discrimination in the field of occupation may be either direct or indirect. Direct discrimination is taken to occur when a person enjoys a less favorable treatment compared to another person in a similar situation based on his/her sex, racial or ethnic origin, religion or belief, age, disability or sexual orientation. For example a 40 year old woman applies for a vacancy in an apparel shop and during the interview she is told that the company recruits only persons that are until 30 years of age.

However, indirect discrimination in real life is usually more subtle and for this reason it remains undetected. Such discrimination is taken to occur when an apparently neutral provision or practice applies to all groups of persons yet it may affect disproportionately the members of a particular one. For example, an employer decides

to exclude from the applicants for a specific job those that live in a particular area of the city. Indeed a great number of gypsies live in such area and as a result the candidates that are gipsy find themselves in a disadvantageous position vis a vis all other applicants.

At this point we need to stress the dimension of multiple discrimination. Most persons have multiple identities which are determined by their: age, sex, sexual orientation, ethnicity and they have certain religious beliefs or a disability or they may acquire one in the future. It is precisely for this reason that discrimination may involve more than one factor. Take the example of a woman who belongs to an ethnic minority and may be victim of discrimination because of her sex or her ethnic identity or both. An immigrant with a disability may as well experience prejudices for different reasons.

1. Prohibition of discrimination in employment and occupation. – Legislative Framework

The principle of non discrimination (by and large and in particular in the working environment) presupposes necessarily the recognition of the principle of equality by the national and international rule of law. Such principle is a necessary condition for the development of the principle of equal treatment between working persons and of the principle of equal opportunities in the field of employment and it is expressed in many regulatory texts or other texts of a value equal to a declaration.

The EC Treaty, art. 13 par. 1 which is incorporated in the chapter that describes the general principles of the Treaty defines that: “without prejudice to other provisions of the Treaty herein and within the limits of the area of competences conferred on the Community, the Council may decide to undertake adequate action in order to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation and it does so unanimously on a proposal from the Commission and after consulting the European Parliament”. The aim of the particular article is to safeguard the dignity and independence of those persons that are members of vulnerable groups.

In accordance to article 13, the Council issued the Directives 2000/43 and 2000/78, the first one aiming at combating discrimination based on racial or ethnic origin and the second one at combating discrimination based on religion or other belief disability, age or sexual orientation in the field of employment and occupation. Directive 76/207 for the protection against discrimination in employment and occupation based on sex had already been issued and was amended by the Directive 2002/73. One of the reasons that the modification of Directive 76/207 was deemed necessary was the need to harmonize it with Directives 2000/43 and 2000/78. Particularly the equal remuneration between men and women for equal work or work of equal value is defined in article 141 of the Treaty whereas Directive 97/80 regulates issues related to the burden of proof in events of discretionary treatment based on sex.

The protection of all persons against discrimination constitutes a universal right that has already been recognized in the context of the international rule of law by the Universal Declaration for Human Rights, the UN Convention on elimination of all forms of discrimination against women, by the UN Covenants on civil and political rights and the financial, social and cultural rights as well as by the European Convention for the protection of human rights and fundamental freedoms. Moreover, the International Labor Organization (ILO) Convention No 111 prohibits discrimination in the field of employment and occupation.

The common objective of all Directives against discrimination is the establishment of a labor market that favors and fosters social integration. Moreover, to this end it is imposed a common European employment strategy which is clearly reflected at a legal level with the amendments of articles 13, 136 and 137 as set out by the Amsterdam Treaty.

Nonetheless, with regard to the protected by Directives 2000/43 and 2000/78 data, it is clear that the main endeavor of the community legislator is to provide effective lawful protection against discrimination. Such objective – which is reflected in the text of such Directives, where it is contained a reference to «combating discrimination» and to «implementation of the principle of equal treatment» – complies with the main principle of the Community Law, according to which the member states shall guarantee the results imposed by the Directive and shall take any general and special measures in order to ensure the fulfillment of such obligation and to avoid establishing provisions that may undermine seriously the aforementioned outcome.

The provision of effective protection against discrimination imposes the prohibition of both direct and indirect discrimination. If such prohibition didn't cover the indirect discrimination as well, such protection could be easily violated in practice and the fulfillment of the equal treatment principle, being the main objective of EC Directives, would be implausible.

A concise presentation of the EC Directives, Directive 2000/43 on combating discrimination based on racial or ethnic origin and Directive-framework 2000/78 on

combating discrimination based on religion or belief, disability, age or sexual orientation, should focus on the following:

Both directives refer to – though not explicitly in the first one – employment and occupation and they somehow complement one another in order to accommodate any eventual grounds for discrimination. Both directives share a common structure as well as common general regulations. Thus the meaning of discrimination in both coincides with the meaning of equal treatment. The term discrimination in both directives involves the direct discrimination (namely when a person is subject to a less favorable treatment compared to another person in a similar situation) and the indirect one as well (when an apparently neutral provision may put a person at a particular disadvantage compared with other persons). Harassment in both directives is associated with the meaning of discrimination, it equals to that and in this sense it can be associated with dignity in the workplace.

The provisions of Law 3304/2005 on “Application of the principle of equal treatment and elimination of discrimination at the workplace” attempted to incorporate in the Greek rule of law the Community Directives 43/2000EC and 78/2000EC, in order to ensure the principle of equal treatment and to limit discrimination at the workplace as laid down as well at a national level by the Constitution in force. The specific legislation introduces new protection measures and provides sanctions in order to prevent all forms of discrimination based on racial or ethnic origin, religion or other belief, disability, age and sexual orientation, particularly in the field of employment and occupation.

The provisions of the aforementioned law endeavor to combat the phenomena both of direct and indirect discrimination (articles 3 and 7). Moreover they provide special autonomous protection against harassment (article 2, par. 2) and against order for discretionary treatment (article 2, par. 3). However, beyond the determination of those critical terms the above provisions organize, with regard to their fundamental structure, a complex system of mechanisms for the protection of the person affected, which goes far beyond imposing the traditional sanction model in individual cases. Thus, despite the new extended administrative and penal sanctions provided, though in an unclear manner, (articles 16 and 17), they bring to the fore the mediation action

of special public bodies so that they foster equal treatment, the mobilization of the civil society (in terms of awareness of the public and victims' representation), the provision of particular implementation strategies which enhance the established social dialogue as well as undertaking of positive measures.

These new forms of actions, already foreseen in the text of the relevant directives, appear indeed to accommodate the particularities of 'vulnerable groups' which are the beneficiaries of the protection provided and they impact on the structural character of the unequal treatment practices as well as on the need for a broader social coordination in the fight against the phenomenon of discrimination. However, in line with the typical regulatory practice of the organs of the Greek state, the text of incorporation adds very little to the already existing regulatory content-framework of the two EC Directives. However, in this respect, in practice almost the entire burden of determination of the specific institutional innovations is transferred to the national bodies responsible for the promotion and implementation of the regulations.

From a practical view point at least, the innovative regulation of article 14 appears to be the most critical one, its aim being the redistribution of the burden of proof, on concurrence of unfair discrimination between plaintiff -wronged person and respondent, the obligation of the first one being limited to substantiate his/her complaint against the second one simply *prima facie*. The adequate access to data shall be the corner stone for the correct application of the law and particularly for the effective application of the shift back of the burden of proof.

In accordance to article 14 of the above law, when the wronged person claims that the principle of equal treatment has not been observed and proves before a court or a competent administrative authority real facts from which it may be inferred that there has been direct or indirect discrimination it shall be for the respondent to prove that there has been no breach of the principle of equal treatment. The provision in question has significant importance as the working person subject to discrimination instead of bearing the burden of proof regarding the presumed fact, it is invited to produce the real events that constitute breach of the principle of equal treatment whereas the burden of proof shall be to the employer – namely that there has been no discrimination against the working person or the candidate working person. However

this significant provision concerning the rules on the burden of proof has not been accompanied until to date by the relevant amendment of the Code of Civil Procedures and for this reason Greek courts cannot easily apply such provision.

The above legislation on discrimination in occupation is extremely important for the evolution of the labor law, not only because it constitutes the basis on which a huge number of employers' decisions are prohibited, but essentially because all employers' decisions are subject to a judicial control and the employer is now obliged, in order to achieve a positive control of such decision, to justify them adequately. This is valid for all employers' decisions not only for those that are made during the working relations time period but those involved in the recruitment stage as well, including the pre-contractual stage.

The principle of gender equality and the principle of equal remuneration are particular aspects of the principle of prohibition of discrimination in occupation. The principle of equal remuneration constitutes a fundamental constitutional right of significant interest and a field for further development in terms of labour law. It is established by article 22 par.1 of the Constitution, which establishes the right of equal remuneration for work of equal value irrespective sex or other discrimination whatsoever.

The institutional framework that governs women's labour issues is strongly expressed in the field of legal equality between the two sexes. The general institutional duty on equality of article 4 of the Constitution in force is complemented – in terms of relations between the two sexes – with the explicit reference of par. 2 herein on equality between Greek men and women in terms of their rights and obligations. Particularly concerning the working relations the provision of article 22 of the Constitution establishes the right of equal remuneration for a provided work of equal value. Moreover, article 116 of the Constitution provides for “taking positive measures to foster gender equality does not constitute discrimination based on sex and the state shall take all necessary measures to lift inequalities that exist in practice mainly against women”. In accordance with the above the difference of sex does not constitute a legitimate criterion in the recruiting process. Consequently the distinction of job in male and female ones is clearly ant-constitutional.

Moreover the constitutional principle on gender equality accommodates the indirect discrimination based on the sex of working persons as well. Let us consider the case of certain professions that are considered as female ones and they are exercised only by women and on the other hand the downgrading of women inside certain professional categories, where only women are expected to be involved in.

The Greek legislator in an effort to determine furthermore the constitutional provision and the community duties¹ has passed Law 1414/1984, on the “Implementation of the gender equality principle in the working relations”. Such Law applies to all working persons with a private law employment agreement and to those exercising a profession. It explicitly prohibits the indirect discriminations in the field of advertisement, publicity, circulars, calls for tender and regulations that are related with the recruitment of persons to cover work vacancies, the provision of vocational education or training, the drawing of professional license agreement. Moreover, it explicitly prohibits discrimination between men and women based on their marital status. For example separate

For example, the separate notices of call for men and women and the elaboration of separate tables of the successful candidates in a contest based on sex as well as the recruitment from a single table according to the employer’s decision are all void. Consequently, without affecting the prestige of the contest, the contestants are considered that have succeeded without their sex being taken into account and the employer must recruit them necessarily.

Law 1414/1984 was essentially replaced (with the exception of certain provisions) by means of article 1 sect. 2 of Law 3488/2006 “Implementation of the principle of equal treatment between men and women in the access to employment, professional education and carrier development, the working terms and conditions and other provisions”· such law was issued to adapt the Greek legislation in accordance with the provisions of Directive 2002/73/EC.

¹ Incorporation of the EC Directive 76/207

A recent legislation and particularly Law 3896/2010 “Implementation of equal opportunities and equal treatment between men and women in employment and occupation – Harmonization of the legislation in force with Directive 2006/54/EC” improves, simplifies and codifies in a unique and relevant legal text the legislation in force insofar in accordance with the spirit and the provisions of Directive 2006/54/EC.

The main axis of the entire legislation in force focuses on ensuring the application of the principle of equal treatment between men and women in terms of access to employment, to professional education and carrier development, to working conditions as well as on regulating equal remuneration issues. The specific legislation applies to working persons having a private law employment relation, to those having contract of services as well as to those exercising independent occupation and professions. Pursuant to the above it is prohibited any discrimination whatsoever based on sex and marital status of the working persons. Particularly the access to all jobs or posts, whatever the branch or sector of activity, and to all levels of the occupational hierarchy shall be ensured irrespective of sex and marital status.

Without prejudice to the above legislation it prohibits any reference to sex or marital status or criteria and data from which it may be inferred that there has been direct or indirect sex discrimination, on publications, advertisements, publicity, notice of call, circulars and regulations that are related to the selection and recruitment of persons, the provision of education or vocational training or the supply of professional licenses.

According to the legislation the employer shall not deny to recruit women in gestation for works that prior to recruitment require a medical test certificate. Women in gestation are recruited without such medical certificate, provided that the medical tests required may undermine the health either of such women or of such fetuses. In such event the medical certificate is produced after the termination of childbed period.

In addition, pursuant to the aforementioned provisions, men and women are entitled to equal remuneration for works of equal value whereas it is expressly provided that the

beneficiary of family allowances is the family itself and children's allowances are paid in full to all and any working spouse or parent, irrespective to gender.

Moreover, in accordance with the provisions of the aforementioned law it is prohibited whatever form of direct or indirect discrimination on the grounds of gender or marital status in relation to the access for employment, the working conditions, the carrier development and the evolution of the working relation by and large.

In accordance with the codified legislation, sexual harassment and any form of harassment as well as any less favorable treatment which may be attributed to tolerance or rejection of such behavior constitute discrimination based on sex and shall therefore be prohibited. Orders that involve discrimination against persons based on gender constitute discrimination for the purpose of the legislation.

Pursuant to the provision of the legislation persons who consider themselves wronged because the principle of equal treatment has not been applied to them as well as their right to take recourse before the competent authorities establish the right to judicial protection. Such right is recognized to labor unions which may, with the consensus of the wronged person, exercise in his/her name all judicial remedies before a court or other competent authority.

When a person who falls within the field of application of the present legislation claims that is subject to treatment which involve discrimination based on sex, pursuant to the above provisions, and establishes before a court or other competent authority facts or data which may be presumed that there has been direct or indirect discrimination on the grounds of gender or that sexual or other form of harassment has occurred for the purposes of the legislation in force, it shall be for the respondent (employer) to prove that there has been no breach of the principle of equal treatment between men and women. Such provision is extremely important since when the affected person establishes data or facts from which it may be presumed a breach of the principle of equal treatment it shall be the responsibility of the respondent to prove that he/she has not committed such breach.

Last but not least, in accordance with the legislation the Ombudsman is the entity responsible for monitoring and fostering the application of the principle of equal opportunities and of equal treatment between men and women. All public authorities shall convey to the Ombudsman all complaints submitted and related to gender discrimination, given that law has entrusted the Ombudsman with the monitoring, promotion and support, by and large of the authority responsible for the application of the principle of equal treatment between men and women in terms of employment and occupation and such scope of intervention involves the private sector as well.

Finally, the employer, according to the legislation in force, is responsible for the application of the principle of equal treatment to all working persons and he/she exercises his/her rights as laid out in the employment contract, in good faith. Thus the discretionary and unfair treatment to workers by the employer –irrespective to gender, nationality, religious beliefs – is prohibited in the working relations and mainly in terms of remuneration.

2. Practical dimension of discrimination in the workplace

The assessment of the legislation for equal treatment and prohibition of discrimination in the workplace clearly demonstrates that despite the legal framework in place for the elimination of discrimination in the workplace many times such legislation is breached.

In Greece where the majority of the labour force is occupied in small enterprises where the working duties and the prospect of a carrier development remain unclear, discrimination in the workplace – particularly in conditions of financial crisis – clearly detectable. At the same time restructurings, both in the public and private financial sector, which currently suffer a significant economic crisis, are put in place to deter the impact of recession and to this end it is considered the solution of segregation of workers. This framework creates a favorable environment for an increase of discriminations against specific groups of workers, such as immigrants, persons of different ethnic origin or belief, workers with disabilities, women or older workers. These people are not few in terms of numbers. On the contrary they represent a significant share of the labour force in our country.

The answer to the question whether there are discrimination in the workplace in the Greek society or not is explicitly ‘yes’. Indeed, they are so severe and strong that, in order to be limited, require urgent and extended interventions. In a hard economic and social situation such as the one that Greece experiences today with the unemployment rate increasing continuously and the working conditions deteriorating, the first groups of workers that are affected are the aforementioned Categories.

For example the victims of the restructuring of enterprises are usually women or elder workers. Working men of an older age when they lose their jobs it is very difficult for them to get back again in a full time and steady employment relation. Women accordingly may lose their job easily and they almost never get reintegrated in another one.

The enterprises are reluctant to invest in the professional development of such workers whereas the vocational training centers very rarely wish to attract workers of older age for their financed programmes. On several occasions the state itself considers vain the effort for a smooth reintegration in employment and in the best case they are referred to degraded/auxiliary jobs or selective programmes of early retirement.

Elder workers rarely participate to vocational training programs that enhance in practice their professional development.

The labour cost reduction policies of enterprises in terms of alleviating such enterprises from high insurance contributions lead to the termination of the employment either by means of redundancies or by means of enforced early retirement. On the other hand for persons wish to maintain their employment, the regulations of the state and of the social insurance funds constitute a counter incentive for seeking a job in the legal market and as a result they get involved in the shadow economy. Despite all legislative regulations, in practice the persons of older age appear to face more frequently discrimination phenomena, having less employment opportunities, having difficulties in getting reintegrated in the labor market and particularly at the stage before signing of the contract since given that there is no special protection in place they are rejected only based on age.

Moreover, in the Greek labor market the reduction and violation of the rights that are connected with maternity protection constitutes a significant issue. The above translated either in redundancies or an adverse treatment vis a vis working women in gestation or even the non application of the special maternity benefits of Law 3655/2008. In the first case the problems involve mainly the employer's claim of a serious reason to justify the redundancy and the adverse treatment vis a vis women workers when they declare themselves in gestation or when they undertake again their duties after the maternity leave time period.² Women on the other hand are under-represented in highly prestigious or influential jobs. Gender discrimination

² They have been reported cases when the maternity leave time period was not considered as accrued service.

phenomena are detected by and large in terms of employment access, in terms of remuneration or as regards the ability to combine family and professional life.

Another category which experiences discrimination in financial crisis period is young workers. Young people find it very difficult to access the employment system and remain redundant for long time periods and for this reason their professional qualifications and skills become useless.

The workers that pertain to the above categories mainly are employed in informal or flexible works, namely part-time or seasonal employment, undeclared jobs and/or works outside the social insurance schemes and provision of personal services, (e.g. children or elderly people care), and their basic working rights are not accommodated – namely, equal remuneration for equal work, social insurance, work in accordance with the terms provided for in the working collective agreements and protection against redundancy. Given this situation it is easily understood the size of discrimination in employment and occupation as well as in the field of vocational training in our country.

Meanwhile discriminations against people with disabilities continue to exist in the enterprises (save few excellent examples) and indeed they become even stronger lately. Such persons are considered as a necessary cost imposed by the legislation and not as productive workers that contribute in the production of a product and the national economy by and large.

Yet, beyond discrimination in access to employment the above categories of workers experience often indirect discriminations when exercising their work. The unresolved problem of lawful stay and work of immigrants in our country is a burden, which allows them neither free access to the vocational training services nor a decent professional development.

The Greek labor market, accepting a flow of immigrants at a working age during the last 20 years (approximately 920,000 or 1/5 of the labor force) according to random more or less procedures and in informal or low class jobs without their working rights being ensured is marked by exclusions and pathologies which constitute a huge challenge for any lawful society. Even in the few cases of immigrants with a smooth

professional integration still there are issues that must be addressed namely, the vocational training and professional development right as well as the access to the employment services.

Moreover, people with cultural differences (mainly the Pomak and Roma populations) are considered workers of third and fourth class and they are very rarely recruited in full time steady jobs.

Beside all these well known phenomena, foreign workers in our country are expected to address indirect discrimination as well. Indicatively, it is reported that in most cases foreign workers are asked to sign work contracts in Greek while they know very little Greek and as a result they agree on adverse working terms without being aware of. In addition, their payroll statements are in Greek as well with all the risks that the latter may involve for their working rights. Last but not least in the worksites the security plates are written in an incomprehensible language for the foreign workers, fact that involves an enormous danger for their health and safety.

Most people with disabilities are capable of developing business activities, can work in the wider public sector or in the private sector. Yet, the Greek working environment is almost inaccessible for such people.

The main reasons could be, amongst others, the mentality of employers, prejudice, phobias, the lack of sensitivity, the inefficient state control and the absence of sanctions on those organizations that despite the fact that they need to recruit a specific number of disabled people they refuse to comply ignoring the relevant laws in force.

The research conducted on the work opportunities that are offered to people with disabilities highlight both the huge problems that such people have to face when seeking a job as well as the racism on behalf of the employers. According to the results of such researches nine out of ten enterprises do not employ people with disabilities. Indeed, 70%, of the enterprises declare that they are reluctant in recruiting disabled people due to the “problems of inefficiency” of such group of people.

Persons of different sexual orientation as well appear to suffer from indirect discrimination in the workplace. Despite the fact that people are subject to such discrimination cannot easily denounce and report them to the competent bodies, the practical dimension of such discrimination is frequent in reality. Such persons are not offered equal opportunities in employment since employers are not prepared to accept their *modus vivendi*. Consequently, even though they may meet the conditions for recruitment, they are not selected. Moreover, sexual orientation constitutes grounds of discrimination in the workplace since such people are not recognized established working rights such as the right of absence from work due to sickness of a dependant family member. Thus, since they are not institutionally recognized their right of non-marital partnership they are subject to discrimination and they are deprived of parallel working rights.

As a rule, the workers of the above groups are involved in informal or flexible working relations and are employed in part-time or seasonal jobs, undeclared works or works outside the social insurance schemes and provision of personal services in child and elderly care whereas they have no access to basic working rights such as equal remuneration for equal work, social insurance, work in accordance with the terms determined by the collective agreements, remuneration of over-time and protection against redundancy.

In 2010³ the number of reported discrimination based on sex increased further more justifying thus the trend that has been detected during the previous years. 78.5% of such complaints were filled by women and 21.5% by men. The majority of complaints (64.0%) relates to the public sector whereas the share of the public sector (36.0%) in terms of complaints for discrimination is equally high. It must be stressed that the complaints related to the private sector marked an impressive increase (by 19.0%) compared to 2009. Such development was expected to the extent that due to the economic crisis and the changes in the working relations, the terms and conditions of work for women continuously deteriorate particularly when they get pregnant or they have young children. With regard to the form of discrimination, the relevant distribution differs compared to 2009. According to the reports the most important

³ The Ombudsman's Report, 2011.

form of discrimination in the public sector continues to be the adverse treatment due to child upbringing leaves – though at a rate higher than that of 2009 (21.8% as opposed to 10.4%) – which mainly involves the right of fathers to make use of the parental leave. On the other hand in the public sector the main form of discrimination is the adverse treatment due to pregnancy and to maternity leave (at a rate approximately 16%). In the same time the considerable increase of indirect discrimination (approximately 39.5%) reflects the skyrocketing of the number of complaints for redundancies of women in gestation, which was verified to be the reason for such redundancies and consequently they constitute (indirect) discrimination based on sex. Moreover the rate of sexual harassment cases was twice higher compared to (12.28% as opposed to 5.97%) which may be attributed to the bad working environment existing particularly in the small enterprises. The denunciation of such incidents is currently more frequent and favored due to existing uncertainty at work and the pressure exercised and it constitutes the reaction of working women against real or potential change of the working conditions, redundancy, threat of redundancy, constructive dismissal etc. The economic crisis has highlighted and enhanced a clear retrograding in terms of women working rights.

Consequently, the economic crisis and the particular way of dealing with the related impact make discrimination in the workplace stronger, leave to employers further scope to take advantage of such discrimination and dictate a further degradation of the work itself as well as or the relevant rights. Moreover, in the private sector it is observed an increase of the reports related to discrimination based on pregnancy and maternity as well as against women workers in the public sector with private employment contracts and limited time contracts.

Yet, discrimination in the work can neither be reduced by itself nor can it be eliminated by the operation of the market. To address them it is required the development of special policies and actions at a local, national and international level. Particularly at a national level it is required the development of independent and well coordinated actions on behalf of the state, the enterprises and the employers, the labor unions and the organizations of volunteers that are involved in the support of such groups. These actions according to our opinion are diffused to a great number of

policies, which range from concise and effective legal regulations and institutional frameworks to adequate education and employment policies.

We are certain that beyond the legislative measures, strong and well organized public policies are required that may support the application of laws. All the aforementioned events constitute severe discrimination in terms of access to employment and professional development. They have a negative impact on the labour market and they do not allow the exercise of fundamental working rights to a large number of workers in our country. It is clear that the establishment of a strong framework is not enough, yet the width of such application may constitute an important tool.

3. Code of Ethics/ Conduct, *principles and good practices.*

3.1 Introduction

The Code of Ethics is established on the concept of people being born equal and their right to equal opportunities in all aspects of life is inherent. This is a fundamental principle of the International Covenant on Civil and Political Rights of the United Nations⁴. Moreover, it is established the belief that all people have right to fair and decent working conditions, to work pay based on their qualifications, to compete for a job at an arm's length and to have access to all infrastructure.

The Code of Ethics is based on the universal principles of Equality, Justice and Respect of Human Rights. People shall enjoy of a fair treatment and shall not be victims of discrimination, abuse or exploitation. Justice involves the separation of powers and the prevention against abuse of power. All people shall have access and full participation to employment opportunities. Respect encourages people to defend their rights and utilize their skills and competences. Respect vis a vis other people – colleagues constitute the foundation upon which people become member of a community accepting thus the social responsibility of behaving in a respectful manner. Moreover it introduces the principle of individual and professional responsibility, meaning not only that people need to avoid harming other people but they need as well to observe a conduct-model which enhances the achievement of the community goals.

The targets of the Code of Ethics in question are to:

- Eliminate of discrimination in the workplace,
- Enlarge and promote the systems of values that may support the modern multicultural societies,
- Promote principles and values such as equality, justice, mutual respect and fair treatment,
- Promote a better public understanding regarding the social benefits of diversity and fight against discrimination.

⁴ Ratified by the Greek Parliament with Law 2462/1997 (Greek Official Gazette A' 25/26.2.97)

- Inform and raise the awareness of bodies, authorities and enterprises concerning the benefits that the management of diversity and the enhancement of networking and cooperation between themselves for the promotion and utilization of “different” as a positive element may give rise to
- Ensure a peaceful and steady working environment,
- Reduce the social inequalities,
- Provide the employers with guidelines related to the measures that are reasonably taken to ensure that both men and women workers in executing their work act in a way which does not violate fundamental rights.
- Promote equal opportunities in employment for all people.

The present unit highlights a number of social and ethical rules and values that cover the entire range of individual fields where discrimination may be expressed and they are related as well to the effective combat of the latter in work.

Such Code prohibits the following discrimination vis a vis all workers: discrimination based on sex, ethnic origin, age, religion, belief, sexual orientation and marital status. The public authorities and the enterprises of both the public and the private sector are invited to accept and apply the duties of such Code. Namely, the productive classes are invited to apply a set of rules which is in line with a general philosophy of respect for the principle of equal treatment, elimination of discrimination and equal access for all people to the opportunities offered in the society. The public authorities and the enterprises of both the public and the private sector shall guarantee the full integration of all workers in the workplace without any discrimination whatsoever.

3.2 Fighting discrimination in the workplace

In the context of the principles of freedom, democracy, respect of human rights and fundamental freedoms as well as of the rule of law, which are common to all member state and based on the principles of equality and justice the European Council decided on 27 November 2000 to establish a five-year Community Action Programme to

combat discrimination (2001-2006).⁵ Such Community Action Programme aims at supporting the efforts of the member states in developing policies and practices for combating discrimination through the mobilization of bodies in the member states and the encouragement of exchange of information and good practices. The basic axis of the Programme were as follows: granting of assistance for the analysis and assessment of the degree and nature of discrimination in the Community as well as of the effectiveness of measures for combating it; granting of assistance to the bodies of the member states that were active in the combat of discrimination as well as promotion and dissemination of values and practices, being the background of such combat, to the professionals and the persons that have been influencing the public opinion.

The Programme involved the following fields:

- Promotion of non discrimination via and on behalf of public authorities (police authorities, judicial system, health, social insurance, education).
- Promotion of non discrimination via and on behalf of the mass media.
- Elimination of discrimination barriers in terms of participation in the decision making process.
- Elimination of discrimination barriers in terms of access to goods and services including the housing, transport, culture, entertainment and sport sectors.
- Determination of effective discrimination monitoring methods.
- Determination of effective information dissemination methods.

The European Parliament and Council decision 1145/2002/EC of 10 June 2002, on community incentive measures fostering employment⁶, established a number of community actions until 2006. These actions included among others the enhancement of cooperation between the member states in matters related to the analysis, the research and the monitoring of policies for the labour market, the determination of good practices and the promotion of exchange and transfer of information and

⁵ 2000/750/EC: Council decision of 27 November 2000 on the establishment of a Community Action Programme to combat discrimination (2001-2006) (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:303:0023:0028:EL:PDF> [last access 10.10.2011]).

⁶ Decision No. 1145/2002/EC of the European Parliament and of the European Council of 10 June 2002 on community incentive measures fostering employment (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32002D1145:EL:HTML> [last access 10.10.2011]).

experiences as well as the development of the approach as well as of the content for the European strategy in employment, including forms of cooperation with the social partners and the relevant local and regional authorities.

Two more community action programmes were implemented until 2006: The Programme for the enhancement of cooperation between the member states in the fight against Social Exclusion and the 5th Midterm Programme on Gender Equality, which together with the two previous ones were incorporated in the seven-year Community Programme “Progress” (2007-2013).⁷

The Community Programme «Progress» in employment and social solidarity⁸ is implemented in the following sectors:

- Employment
- Social Protection and Integration
- Working terms and conditions
- Combat against Discrimination
- Equality between men and women.

It has been created to enhance the implementation of the European strategy in employment and of the open cooperation method in the field of social protection and social integration. Such program endeavors to improve the working environment and the working terms, including health and safety in the workplace as well as to combine successfully professional and family life. Moreover, it was created in order to ensure substantial application of the principle of non discrimination and gender equality and in order to incorporate such aspect in all EC policies.

The aim of the Community Programme «Progress» is:

- To better understand the situation existing in the member states through analysis and studies.

⁷ Decision No. 1672/2006/EC of the European Parliament and Council of 24 October 2006 establishing a community program in employment and social solidarity — "Progress" (<http://www.ypakp.gr/uploads/docs/1799.pdf> [last access 10.10.2011]).

⁸ Read more about the Community Programme “Progress” on <http://ec.europa.eu/social/main.jsp?catId=327&langId=en> (last access 10.10.2011).

- To develop statistical tools, methods and common markers per sector of application.
- To assess and monitor the policies and the implementation of the community legislation.
- To promote networking, sharing of experience, identification and dissemination of good practices at a European level.
- To increase the awareness of the interested parties and of the public in relation to the policies that are put in place in each one of the five fields of action.
- To enhance the capacity of the main European networks so that they promote and strengthen such policies as well as the goals of the EU.

3.3 Means of action for combating discrimination in the workplace

It is clear that the goal of the actions and the practices that are implemented for combating discrimination in employment is to ensure that no person is victim of discrimination in a professional relation or in terms of professional policies and particularly as regards:

- Recruitment procedures, advertisement and selection criteria,
- Appointments, appointment procedures, including work assignment and hierarchy,
- Remuneration, allowances, employment terms and requirements
- Employment assistance programmes,
- Job assignment,
- Continuous education and development,
- Performance assessment systems,
- Promotion, removal or downgrading,
- Termination of work.

In order to foster a working environment free of discrimination and based on the principle of equality, employers and labor unions shall take all appropriate measures to ensure that workers of vulnerable groups are neither victimized nor subject to discrimination. Such positive measures may include: Prevention of unfair

discrimination and stigmatization of people on grounds of diversity or sex or belief, through the implementation of policies and programmes for the workplace·

- Awareness raising, education and training with regard to the right of all people (for example HIV positive persons and people with AIDS, immigrants, refugees)·
- Mechanisms for the promotion and acceptance of such people·
- Assistance for workers of vulnerable social groups·
- Complaint submission procedures and disciplinary measures in the event such principles are violated and there are reasonably documented complaints.
- Ensuring that the complaints related to discrimination and harassments are dealt with respect, sensitivity and discretion.
- Ensuring that prevention and resolution of complaints constitute an integral part of the administration guidelines as well as of the supervisory responsibilities.

The Ministry of Labor, being the subject matter competent ministry, in the context of prudent management shall give priority to the codification and simplification of the legislation for the equal treatment in employment and occupation between men and women, including the provisions on maternity (gestation-childbed allowances, additional maternity allowances and special protection for maternity).

Moreover, new emphasis must be put on preventive measures by means of regular cooperation and exchange of good practices between all stakeholders, i.e. the organizations involved the social partners and the enterprises. The intensification of controls on behalf of the state for the application of the legislative framework is strong tool in terms of such application which fosters as well the elimination of discrimination in the workplace.

3.4 Enhancing equality and diversity in the workplace

To combat discrimination in the workplace it is necessary to invest on promoting equality and diversity in the workplace. Equality involves the creation of an equitable working environment so that all the members of the human resources may participate

and are informed of their development prospects. Diversity involves the acknowledgment and respect of diversity in terms of working practices and working culture. They are both intrinsically interconnected. There can be no equality in terms of opportunities unless diversity is respected and recognized.

Good practices in terms of equality and diversity involve opportunities and a reach mosaic in terms of human resources, which may underpin the productivity and dynamic of a group. Moreover it contributes in the creation of an attractive working environment where both groups and individuals execute their duties to the maximum of their capacity.

3.5 Equal opportunities and equal treatment in employment

Employment and occupation are Key elements in guaranteeing equal opportunities for all and contribute strongly to the full participation of citizens in economic, social and cultural life and to realizing their potential.⁹ The EU member states have determined a minimum general context for combating discrimination in employment and occupation with a number of guidelines and regulations that are related to the terms of access to paid employment or profession (including promotion), vocational training, working conditions and terms of employment (including terms of payment and redundancy), the capacity of a member and the active participation to a labour or employers organization or to any other professional organization. Such minimum general context applies both to the public and the private sector as well as to the paid and volunteer work.

A number of mechanisms are put in place that may guarantee the effectiveness of the principle of equal treatment and can combat discrimination. Such mechanisms involve the protection of victims and defend of their rights by means of enhancing their access to justice and timely information. The effective combat of discrimination requires the development of dialogue and cooperation between the social partners particularly with

⁹ Council Directive 2000/78, of 27 November 2000 on a general context in guaranteeing equal opportunities in employment and occupation. Available on: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:el:HTML> (last access 10.10.2011).

regard to the monitoring of practices in the workplace and the exchange of experiences in terms of accuracy.

3.6 Sex discrimination

To ensure equal opportunities both for men and women and respect of the principle of gender equality is a major issue concerning the employment. Employers need to work hard and in a creative manner in order to ensure that both men and women enjoy the same rights and opportunities which allow them to develop and in order to guarantee real equality between men and women.¹⁰

3.6.1 Good practices for combating discrimination based on sex

The EU has conducted a number of multidimensional strategies that impact directly and indirectly on the equality issue. The Advisory Committee on equal opportunities was established in 2008¹¹ and elaborated the European Strategy on Employment which, among others endeavors to foster private initiatives, to form a more attractive business environment and last but not least to improve the investments on human capital for the benefit of women.¹² Moreover the community initiative "EQUAL 2007-2013" was drawn and implemented according to the principles of partnership, active participation, innovation, trans-nationality, gender mainstreaming and horizontal and vertical mainstreaming.

As regards Greece despite the problems in the application of the principle of gender equality in the workplace, equality policies have been empowered through the entire range on national actions. In the context of the National Programme for substantial gender equality, many projects are put in place aiming at dealing with gender inequalities in specific themed fields of public policies and at creating or enhancing institutions, structures and policy producing organizations. These projects were designed and are supervised by non lucrative scientific committees with the

¹⁰ Equal Opportunity Commission (2007), *Gender Equality Duty-Code of practice England and Wales*, UK.

¹¹ Advisory Committee on equal opportunities, more on: http://europa.eu/legislation_summaries/employment_and_social_policy/equality_between_men_and_women/c10919_en.htm.

¹² European Employment Strategy: <http://ec.europa.eu/social/main.jsp?catId=101&langId=el>.

participation of the academic world, experts and representatives of the competent bodies and are financed by the NSRF (OP “Administrative Reform”, OP “Human Resources Development”, OP “Digital Convergence”).¹³

The Secretariat General for Gender Equality implements training and awareness programmes for public servants on gender equality issues, on the improvement of the professional status of employed women (mentoring), on the reduction professional segregation on grounds of sex, on the promotion of women inside the decision making centers, on empowerment of women organizations and NGOs, and on gender mainstreaming. Moreover, the Greek state in the process of harmonization of policies with the EU guidelines has classified women entrepreneurship within the most important axis of its developmental policies. Particularly in the field of entrepreneurship and women employment it has developed special targeted actions for equal treatment in terms of access to employment, professional training and promotion, integration to research and equitable participation of women in the decision making processes. The axis of the National Strategic Plan for Rural Development 2007-2013 offer support tools in order to foster women entrepreneurship. A concise strategic intervention is currently promoted, the ‘Operational Programme on Competitiveness’ which endeavors to foster entrepreneurial initiatives on behalf of women that have disproportionably limited participation in terms of entrepreneurship.

3.6.2 Means of action for combating gender discrimination

Measures that can combat unlawful discrimination involve the establishment and use of fixed criteria for the selection, training, upgrading, promotion and redundancy. Unless the application of such criteria is invariably, continuous and consistent decisions may prove subjective and thus increase the number of unlawful discrimination events.¹⁴

- Every individual should be evaluated according to his/her personal capacity to fulfill certain task;

¹³ General Secretariat for Gender Equality (see. <http://www.isotita.gr/index.php/docs/c158/> [last access 10.10.2010]).

¹⁴ U.S. Equal Employment Opportunity Commission (1975) *Code of Practice: Sex Discrimination*, available at www.equalityhumanrights.com (last access: 10.10.2011).

- In the event objective reasons dictate the execution of a certain task exclusively by individuals of one of the genders then such reasons should be absolutely documented by means of the scope of such task;
- Access to employment to all sectors and levels in employment shall not involve any form of sex or marital status discrimination whatsoever. Any discrimination based on sex or marital status of employees is prohibited;
- Classified ads, notices of call, circulars, advertisements that regard the eligibility of persons in terms of job posts shall not include any reference to the employees' sex. The employer, when selecting a person for a particular job post, should judge on the basis of his/her capacity and the qualifications that the particular job post requires and should not be based on gender bias;
- During the evaluation of candidates for a particular post every person should be assessed according to his/her own personal capacity to fulfill certain task;
- In this context equal opportunities must be offered to both men and women in employment by re-distributing family duties and responsibilities to both genders;
- In the event objective reasons do not allow the execution of a particular task by citizens irrespective of their sex, such reasons must be absolutely documented by means of the scope of such task;
- Maternity and paternity are added values; they are neither a burden for the enterprise nor a penalty for the working woman. In this context the employers are not allowed to exclude from recruiting women on the grounds that they intend to or already have family duties;
- The employer cannot deny recruiting a woman due to gestation.

Personnel selection procedure:

- During the evaluation procedure of candidates for a post, employers shall guarantee that personnel managers, production managers as well as all other employees that may come in contact with the applicants of such post do not commit to any unlawful discrimination;
- The same procedure shall apply to the applications of both men and women, For example, there should not be separate lists for men and women. All

persons who handle the candidates' applications for a post or are involved in the interviews shall be appropriately trained to avoid discrimination;

- The questions during the interview shall be relevant to the requirements of the particular job post. Questions regarding marriage plans or family are prohibited since they can be interpreted as bias against women.

Upgrading, removal, training:

- When an evaluation system is in operation the evaluation criteria shall be examined so that they may guarantee meritocracy;
- When general capacities and personal qualifications are the main requirements for the promotion to particular post, the responsible officers shall be particularly careful and shall examine according to the same favorable conditions all candidates regardless their sex even when they have different general experience in different job posts;
- Policies and practices related to the selection for training and personal development shall be examined in terms of direct or indirect discrimination. Whenever imbalances between men and women are detected in the vocational training provided, the cause shall be determined in order to ensure that no discrimination is in place.

Working terms, allowances, services:

- The working terms, allowances, compensations and services shall be offered without any illegal discrimination based on sex or marital status. For example, reduced working hours, parental leave or allowances for dependent family members shall be granted to both men and women employees.

Remuneration:

- Men and women are entitled to equal pay for work of equal value
- All employers (enterprises in the private or public sector) shall offer to both men and women equal pay for work of equal value regardless the employee's sex and without exercising any direct or indirect discrimination in terms of remuneration or any other benefits be it in moneys or in kind;

- The list of professions (both in the private and the public sector) which determine the amount of remuneration shall be based on common criteria for both working men and women and without any discrimination whatsoever. ;
- Any additional benefits that are linked to a particular job post, both in the public and in the private sector, such as allowances and any other form of benefits shall be paid without any unlawful discrimination based on sex or marital status.

Other positive measures for combating discrimination:

- Advertisements favoring female applicants, yet without promising a favorable treatment of such persons.

3.7 Discriminations based on ethnic or racial origin

Euro barometer surveys have shown that a relevantly high rate of European citizens consider that discrimination at the work place based on ethnic or racial origin on grounds of ethnic or racial origin is widespread..¹⁵

The good practices that have been implemented for combating discrimination based on ethnic or racial origin are related to measures that may guarantee equal access to employment for persons that have been or may become victims of such forms of discrimination and may facilitate as well as well as the performance of their work duties and lift the relevant obstacles against any discrimination at the work place. Plain compliance and standard adjustment to the labour legislation may be effective, however, it does not essentially combat; it simply suppresses or suspends them. Well targeted actions are necessary in order to ensure equal opportunities in employment and to give institutional clear value to diversity, which in turn will establish multiculturalism, will highlight the corporate social responsibility and will promote diversity as a constituent of corporate objectives and strategies.

¹⁵ For such relative studies see http://ec.europa.eu/public_opinion/archives/eb_special_320_300_en.htm.

3.7.1 Good practices for combating discrimination based on ethnic or racial origin

- The implementation of a clear and coherent policy to prevent discrimination on behalf of enterprises is a positive measure. An enterprise may elaborate and consistently and invariably implement a clear policy to prevent discrimination and it may as well establish penalties in the event discrimination occurs against associates or partners;
- The employer has to take good care in order to raise the awareness of the human resources manager in subject matters related to the management of diversity
- Employers may encourage such persons to actively participate in bodies and decision making processes;
- Employers shall, in addition, encourage such persons to care for their education and to take part in training seminars and conferences;
- Employers shall recognize and exploit the capacities of all persons;
- Employers shall not adopt a favorable attitude vis a vis a particular employee;
- No employee or applicant shall be appointed to an adverse job post by means of any requirement, special provision, criterion, term or practice, unless this is duly justified as a necessary requisite for the fulfillment of a legitimate objective
- Employers shall ensure that individuals, members of under-represented ethnic groups are encouraged to exploit the equal opportunities they are offered;
- Equal opportunity policy shall cover all employment aspects, including recruitment, working terms and conditions training and development, promotion,, performance, complaints, discipline and treatment of employees upon maturation of their contract;
- If possible, the equal opportunities policy shall be outlined jointly by the employees, the employers and the trade unions;
- The policy on equal opportunities of a company shall be published and distributed to the employees, posted on the notice boards, send via email, included in the contracts of the employees with the company, posted on the

company's website, included in the annual reports and anywhere else, as deemed necessary, so that all employees may have access to;

- The enterprise shall be evaluating the efficiency of such policy at regular intervals;
- Monitoring the efficacy of such policy by the ethnic/racial group itself provides the employers with the necessary information, which enables them to understand the impacts of policies, practices and procedures applied in employing persons of different ethnic or racial origin;¹⁶
- Monitoring the efficacy of such policy is a process which involves the collection, analysis and evaluation of information in order to assess the performance, progress and changes achieved. The above may be put in place in several manners, such as questionnaires, surveys, consulting;
- The Monitoring of such policy by the ethnic groups themselves allows the employers to determine the composition of the labour force from such national group and to compare such data against evaluation criteria (e.g. data records), to know the distribution of their human resources in the entire organization on the basis of job posts, kind of work and quality

3.8 Discrimination based on age

Particular population groups (older or young people) face obstacles and disincentives to be assigned an occupation or to maintain one..¹⁷ The elimination of discrimination based on age at the work place could significantly increase the employment rates. Several EU member states have applied policies to support the employment of older in the framework of either European or national programs.¹⁸

¹⁶ European Monitoring Centre on Racism and Xenophobia (2005), *Annual Report "Racism and Xenophobia in the EU Member States trends, developments and good practice" Part II*, available at fra.europa.eu/fraWebsite/attachments/ar0304p2en.pdf (last access 10.10.2011).

¹⁷ Makrygianni, A. (2007). [Mapping the Current Situation in Age Management (*Χαρτογράφηση της Υφιστάμενης Κατάστασης στη Διαχείριση της Ηλικίας*)], OKE, "EMPEIRIA (ΕΜΠΕΙΡΙΑ)", Ministry of Employment, European Commission, EQUAL, Athens, available at www.empeiria-dp.gr/others/agemap.pdf (last access on 10.10.2011).

¹⁸ Indicatively we mention the "Initiative for New Quality at Work" («Πρωτοβουλία για μια Νέα Ποιότητα στην Εργασία» (INQA), which was applied in Germany, the national age program, which was applied in Finland and the project "Active Ageing Management", which was applied in Finland..

The low participation rates of older people in employment may be attributed to early retirement - or the negative attitude against them. Education and reduced working capacity might be as well additional factors which could explain such low rates.¹⁹

To combat discrimination in employment against the older people it is necessary to implement a strategy, aiming primarily at overturning the stereotypes of aging and the relatively older aged human resources. It is important to guarantee that older employees have in practice on the one hand the possibility to find work and on the other hand the prospect to maintain such job in the long term whereas younger persons find no obstacles in entering the labour market.²⁰ This can be achieved by means of introducing flexible legislation by means of providing incentives to those who wish to continue working and to participate in the labour force by providing incentives that will allow them to maintain their working capacity and competences and to strengthen their employability.²¹ Moreover, the implementation of funding programs for companies to recruit or reintegrate people pertaining to particular age groups could improve the employability of older people. In addition, age limits should apply only if this is considered necessary for the execution of certain task. The establishment of an age limit which is not adequately justified constitutes potential direct or indirect discrimination.²²

The policies on active ageing management in force involve the restriction of counter incentives in employment such as reform and adjustment of pension systems, limitation of other forms of early exit from the work force and regulation of flexibility in employment.²³ The implementation of a flexible pension age limit, established in Finland in 2005, delivered positive results. The rate of workers that are still active at

¹⁹ Ketssetzopoulou, M. (2007) *Active Ageing Strategies (Στρατηγικές Ενεργού Γήρανσης)*, *Transnational Exchange of active aging*, European Profiles, ANCE, INE-GSEE, Adult Education Centre of Kuusankoski, FIM-University of Erlangen- Nuremberg, Bavarian Senior Citizens Network, Bulgarian Anti-Poverty Information Centre, Cyprus University, Athens – Greece, page 29

²⁰ Ketssetzopoulou, M. (2007) *Active Ageing Strategies (Στρατηγικές Ενεργού Γήρανσης)*, *Transnational Exchange of active aging*, European Profiles, ANCE, INE-ΓΣΕΕ, Adult Education Centre of Kuusankoski, FIM-University of Erlangen- Nuremberg, Bavarian Senior Citizens Network, Bulgarian Anti-Poverty Information Centre, Cyprus University, Athens – Greece

²¹ Ketssetzopoulou, M. (2007) as above pag. 32

²² U.S. Equal Employment Opportunity Commission (1975) *Code of Practice: Sex Discrimination*, available on www.equalityhumanrights.com [last access: 10.10.2011]

²³ Ketssetzopoulou, M. (2007) as above.

the age of 62 years increased by 7% approximately within six months.²⁴ In view of limiting early exit from the workforce, in 2005 Finland by means of a pensions' reform gradually abolished certain forms of pension such as the disability pension for those born after 1943 as well as unemployment pension for those born after 1950.²⁵ In relation to flexibility at work there are good practice examples both in Germany and in Finland. In Germany Brose Company implemented the "New Organization Model" aiming at preventing undesirable change in terms of job posts. By means of increasing flexibility at work and of a more efficient adjustment of the working hours and duties according to the capacities and needs of the employees, the company succeeded in remaining attractive for both newcomers and existing employees. In Finland the national age program provides that the work safety officers are responsible for monitoring the quality of work contracts, the planning of work time schedules and working environment for people over 45. Moreover such officers may exploit the restructuring opportunities depending on the preferences and needs of the employees.²⁶ Germany in an effort to change stereotypes initiated in 2002 the campaign "INQA: 30, 40 50 or over – healthy at work" in order to prepare the companies for the demographic changes and to improve the employability of older people. In order to sensitize citizens the national initiative "50 and over – employment pacts for persons of older age in the regions" was put in place. The target of such campaign, among others, was to increase the number of companies wishing to recruit unemployed people of older age by means of financial incentives motives and new integration tools.²⁷ In 2002 Finland in the framework of the National Programme on Age initiated the "Active Aging Management" project, its aim being at supporting various organizations to develop actions for ageing management that in turn could promote the growth of the organizations themselves as well as the development of working capacities and employability of older people. The above was achieved by means of training both managers and the human resources officers and of producing training material.²⁸

²⁴ As above page 58

²⁵ As above pag. 61

²⁶ As above pag. 64

²⁷ As above page 69

²⁸ As above page 72

3.9 Discrimination based on Disability

Discrimination at the work place is the process of taking decisions that influence an employee and are totally or partially based on the actual or alleged incapacity of such employee in the event he/she is a disabled person²⁹. According to the legislation in force discrimination against disabled persons is prohibited³⁰. Regarding employment discrimination against them is prohibited in terms of application procedures for a job post, recruitment, promotion or discharge of workers, compensation, vocational training and any other employment benefits.

3.9.1 Good practices for combating discrimination against disabled persons

- Employers shall care to accommodate the needs of disabled persons and to facilitate them in fulfilling their duties;
- Employers can take financially efficient measures to effectively lift any obstacles that might obstruct disabled persons from fulfilling their tasks and to ensure their equal access to benefits and employment opportunities;
- The needs of the candidates applying for a post and those of already employed persons shall be accommodated during the selection process, in the working environment, in terms of the way tasks are executed, evaluated and paid and in terms of benefits and work allowances;
- Employers shall care to accommodate the needs of disabled persons in the event the work or working environment change or deteriorate and influence their ability to fulfill their tasks;
- Employers shall consult employees and whenever deemed necessary special consultants in order to establish proper mechanisms to accommodate the needs of disabled persons;
- Accommodating such needs shall be achieved in a specialized way and may involve the adjustment of premises so that they become accessible, adjustment

²⁹ Davidovich, N. (1996) *Disability Discrimination in the workplace*, Independent Living Institute, Sweden, available at <http://www.independentliving.org/docs5/EmployDiscrim.html> [Last access: 10.10.2011]

³⁰ Note the UN Convention on the Rights of Persons with Disabilities, which has been ratified by the EU and by 16 of the 27 Member States. Further information at http://ec.europa.eu/ellada/news/news/20110105dikaikomata_anapiria_el.htm και <http://www.un.org/disabilities/> [last access 10.10.2011]

of existing equipment or acquisition of new including PC hardware and software, reorganizing posts, changes in terms of training and evaluation systems, adjustment of working schedule, provision of readers, sign language interpreters, etc and care for special supervision, training and support;³¹

- The employer shall evaluate performance at work upon equal criteria and standards as those applied for other employees, depending on the tasks the employer may adjust accordingly the means of assessing the performance;
- When seeking personnel, employers shall determine the inherent requirements and basic functions of the post to be filled, shall clearly describe the necessary skills and capacities for it and shall define rational selection criteria for the applicants preferably in writing;
- The application forms for job posts shall focus on revealing the applicants' capabilities to respond to the requirements of the post;
- Announcements for jobs shall be easily accessible to disabled persons, shall be in the appropriate format and whenever possible they shall be distributed to the bodies representing such individuals;
- Employers shall examine the selection criteria and in the event they often exclude disabled persons they must stop doing so and ensure that disabled persons are not faced with unacceptable obstacles;
- The employer shall not occupy disabled persons on less favorable terms and conditions for reasons related to their condition;
- The employer shall provide and maintain a safe and risk-free working environment to promote the employees' health;
- Disabled employees shall be asked whenever special programs are developed which may enhance their carrier development so that such programs may correspond to their needs and capacities;
- Disabled individuals have the right to maintain their condition secret;
- In the event disabled persons are under-represented at all professional levels and categories in the working environment the employer shall seek guidance from the organizations or relevant experts representing such disabled persons.

³¹ Trade Union Firma "Thomson Solicitors" (2011) *Disability Discriminations*, UK, Available on <http://www.thompsonstradeunionlaw.co.uk/information-and-resources/disability-discrimination.htm> [Last access 10.10.2011]

3.10 Discrimination based on religion or belief

Justice at work is a key factor for good performance and maximum productivity of both employers and employees. An environment free of discrimination contributes in attracting, motivating and maintaining the personnel while it fosters the reputation of the company. The elimination of discrimination allows equal opportunities in occupation for all so that they develop their capacities in the best possible way.³²

3.10.1 Good practices for eradicating religious discrimination in the work place on behalf of the employers

- Employers can reduce the risk of discriminative decisions by establishing written objective criteria to evaluate applicants for a post or for promotion and by continuously and consistently applying such criteria to all applicants;
- During interviews, employers shall assure non discriminative treatment by asking the same questions to all applicants for a particular post or the same class of posts and by asking questions about matters that are directly related to the job;
- Employers can reduce the event of discrimination based on religion by recording and justifying the relevant disciplinary measures in a detailed, timely and accurate manner;
- In the event management's decisions require subjective judgment, the employers can reduce the risk of discrimination by providing training to non experienced managers and by urging them to consult experienced colleagues whenever they are invited to manage such matters;
- If an employer faces a biased customer, for example in the event a customer refuses to be served by an employee due to his/her religious outfit, the employer must be prepared to handle such situation;
- Employers shall implement in their firms policies against discrimination and shall be prepared to explain how such policy: 1. applies in harassment on grounds of religion 2; explains clearly what is forbidden; 3. Describes the

³² ACAS (2003) *Religion or Belief and the work place. A guide for employers and employees*, UK Available on http://www.acas.org.uk/media/pdf/9/j/guide_religionB_1.pdf [last access 10.10.2011]

procedures according to which the management is informed of harassment cases; 4. Ensures protection to the victims of harassment. Such procedures shall include a denouncing mechanism, which shall offer multiple options in relation to the complaint, the immediate, thorough and impartial investigation research as well as the immediate appropriate corrective actions;

- Employers shall allow to the employees to express their religious faith to the extend other personal behaviors are free unless they may give rise to harassment or distraction;
- In the event an employer understands that his/her religious behavior is not approved by an employee, the employer shall terminate such behavior, since even unaware of such behavior being abusive, it might become serious or over-expressed and unless it is controlled in view of the tension generated to the employee it may influence the working conditions;
- If harassment is committed by a non employee, namely a person employed by a subcontractor, the supervisor or other competent officer in rank shall initiate meeting with the contractor in relation to the harassment in order to stop the matter, to take the necessary disciplinary measures and, unless the problem is resolved, to award the project to another contractor;
- When the employer observes abusive or insulting behaviors s/he should immediately intervene in order to prevent escalation of the dispute;
- Employers shall encourage managers to preventively intervene and discuss with their employees whether particular practices of religious expression are acceptable or not, particularly in the event the managers' understanding is that such religious expression might be interpreted as harassment by a (reasonable) person;
- Supervisors and directors have the right to express their religious faith, however, it would be advisable that they avoided expressions and behaviors that, due to their capacity, might be interpreted by their employees as obligatory, even though this is not so.³³

³³ The U.S. Equal Employment Opportunity Commission (2008), *Best Practices for Eradicating Religious Discrimination in the Workplace*, Available on http://www.eeoc.gov/policy/docs/best_practices_religion.html [Last access: 10.10.2011]

3.10.2 Good practices for eradicating religious discrimination in the workplace on the side of the employees

- Employees exposed to undesirable religious attitudes shall inform the person who behaves in an unacceptable manner that they wish him/her to stop. If the person fails to comply, the employees shall report the event to the manager or other company officer according to the procedures as provided for in the company's policy against discrimination and harassment;
- Employees who do not wish to personally deal with a person with unacceptable religious attitude shall report so to their manager or other company officer always according to the procedures provided for in the company's policy against discrimination and harassment;

3.10.2.1 Good practices to facilitate religious expression in the work place on the side of the employers

- Employers shall inform the employees that they pay efforts to facilitate their religious practices;
- Employers shall train their managers and directors to recognize the need of their employees to exercise their religious duties;
- Employers shall examine the possibility of developing internal procedures to promote the needs of employees to exercise their religious duties;
- Employers shall evaluate separately every request and avoid assumptions and stereotypes related to the essence of a particular religious faith and the practices involved concerning its exercise;
- Employers and employees shall provide full information, to the extend it is required, in relation to the religious needs of employees and the available options to cover them;
- Directors and managers shall be trained so be able to evaluate and examine all alternatives;
- In dealing with a matter regarding the provision of special space for the exercise of religious duties they have to examine the possibility of at least making such space temporarily available;

- Employers shall cooperate with employees who need to changes their working schedule in order to exercise their religious duties;
- Employers shall examine the possibility to adopt flexible leaves and planning policies and procedures in order to facilitate their employees to fulfill their religious and other personal needs. Such policies can reduce individual requests for exemptions. For example, certain employers apply policies that allow alternative working time schedules;
- The employer shall facilitate and encourage mutual and voluntary exchanges and replacements between employees with similar qualifications and job posts and shall include such settlements or arrangements in the company's policy. Moreover, the employer shall offer the necessary tools to facilitate communication among employees, for example, group electronic mail, notice board, etc;
- Employers shall pay efforts to satisfy the desire of employees to wear religious outfit In the event the employer wishes all employees to have a uniform appearance in a post where interaction with the public is involved, the employer may examine the possibility of employees wearing religious outfit in the company's colors so that they may fulfill as well their duties;
- Managers and employees shall be trained to avoid stereotypes regarding religious outfit and practices and not to assume a priori that such outfit may generate disproportionate problems;
- Employers shall be flexible and creative in terms of work schedules, work duties and selection procedures to the extent that this is possible;
- Employers shall be sensitive and bear in mind that they might unwillingly put pressure on the employees or force them to attend social events, which might be difficult for them due to religious reasons;
- Employers shall train managers to assess any problem that may be created as a result of any religious expression in the work place and not simply presume the problems that may arise;
- Employers shall incorporate in the policy for combating discrimination and harassment, a discussion on religious expression, which shall underline the

need for all employees to be sensitive in terms of belief or non belief of other people.³⁴

3.10.2.2 Good practices to facilitate religious expression in the work place on the side of the employees

- Employees shall seek the advice of their directors or managers with regard to any conflict between their religious needs and the working rules in place;
- Employees shall offer adequate information so that the employers may understand their special needs due to their religious faith or practice;
- Employees that attempt to convert other workers to other religious faith in the work place should stop such attitude vis a vis persons that do not welcome such behavior.³⁵

3.11 Discrimination based on sexual orientation

People often are victims of discrimination on grounds of their sexual orientation. These are homosexual, bisexual or transgender persons (hereinafter LGBT³⁶). LGBT persons often face obstacles to have access to work, education or training, promotion or career development. They are denied recruitment or they need to face redundancy. Such phenomena may lead LGBT persons to self-exclusion, namely the persons themselves avoid certain jobs or employment, since they are afraid of discrimination.³⁷

In certain cases they become victims of bullying or harassment or they do not enjoy the same benefits as the heterosexuals, namely parental leave, compensation for moving out, care for sick partner or bereavement leave, training or other benefits for

³⁴ The U.S. Equal Employment Opportunity Commission (2008), *Best Practices for Eradicating Religious Discrimination in the Workplace*, Available at http://www.eeoc.gov/policy/docs/best_practices_religion.html [Last access: 10.10.2011]

³⁵ The U.S. Equal Employment Opportunity Commission (2008), *Best Practices for Eradicating Religious Discrimination in the Workplace*, Available at http://www.eeoc.gov/policy/docs/best_practices_religion.html [Last access: 10.10.2011]

³⁶ Initials of the English words *lesbian*, *gay*, *bisexual*, *transgender*, άτομα correspondingly

³⁷ Sinanidou, M. (2011) Mobbing or psychological violence at work – Burn out or working anxiety: Protection of employees at work (Mobbing ή ψυχολογική βία στον εργασιακό χώρο- Burn out ή εργασιακό άγχος: Η προστασία του εργαζομένου στο χώρο εργασίας), SYMVOULEFTIKI, Quarterly edition of communication, education and inter-personal relations, Issue 68, pag. 3-10

employees and their families, widowhood pension programs or benefits from life insurance policies and hospitalization insurance for employees and their families.³⁸

Law 3304/2005³⁹ harmonizes the Greek Law with 2 EU Directives on combating discrimination in employment and in occupation. In particular it incorporates in the Greek law a) Directive 2000/43/EC «implementing the principle of equal treatment between persons irrespective of racial or ethnic origin» in employment, in occupation, in trade union membership and professional organizations as well as in education, in social benefits and in access to goods and services provided to the public⁴⁰, and b) Directive 2000/78/EC "for combating discrimination based on religion or belief, disability, age or sexual orientation" in employment and in occupation.⁴¹ According to this law any insulting act, which aims at or gives rise to an offence of dignity and creates a bullying, hostile, humiliating, demeaning or aggressive environment and it is related, among others, to the «sexual orientation» of the employee, constitutes grounds of discrimination and therefore it is prohibited. The law applies both in the private and the public sector and regards even redundancy, as is explicitly stated in article 8 paragraph 1 case (c).

Law 3304/2005 includes one more positive measure for victims of discrimination. By means of article 14 such law introduces an innovative regulation which endeavors to redistribute the burden of proof, on concurrence of unfair discrimination between plaintiff -wronged person and respondent, the obligation of the first one being limited

³⁸ Panagopoulos, G. (2006) Awareness Actions against discrimination at work (Δράσεις ευαισθητοποίησης κατά των διακρίσεων στην εργασία), ENIMEROSI, Printed edition, INE GSEE-ADEDY, Issue 129, pag. 3-7.

³⁹ L. 3304/2005 (GG A' 16/27.01.2005) Implementing the equal treatment principle irrespective to racial or ethnic origin, religion or belief, disability, age or sexual orientation (Εφαρμογή της αρχής της ίσης μεταχείρισης ανεξαρτήτων φυλετικής ή εθνοτικής καταγωγής, θρησκευτικών ή άλλων πεποιθήσεων, αναπηρίας, ηλικίας ή γενετήσιο προσανατολισμού) Available at http://www.et.gr/idos-nph/search/pdfViewerForm.html?args=5C7QrtC22wHrZvzjsKBkq3dtvSoClrL89jIOERdkaTXtI19LGd kF53UIxsx942CdyqxSQYNUqAGCF0IfB9HI6qSYtMQEkEHLwnFqmgJSA5WIsluV-nRwO1oKqSe4BIOTSPEWYhszF8P8UqWb_zFijLY9Q-7hMAUjPnbPr2gA49H49CI3jmb_Rh9k7Vay2w9V [Last access 10.10.2011]

⁴⁰ DIRECTIVE 2000/43/EC of the COUNCIL dated 29 June 2000 on implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:el:HTML> [last access 10.10.2011]

⁴¹ DIRECTIVE 2000/78/EC of the COUNCIL dated 27 November 2000 regarding establishing a general framework for equal treatment in employment and occupation. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:el:HTML> [last access 10.10.2011]

to substantiate his/her complaint against the second one simply *prima facie*.⁴² If the victim of discrimination brings evidences in relation to real facts which sustain a direct or indirect discrimination, the employer bears the burden of proving that such conditions never occurred. If s/he manages to do so the dismissed employee wins the case. Which means that while in other cases the burden of proof is on the wronged person, particularly in the event the equality principle is breached, law shifts the burden of proof on the employer thus favoring the victim. The breach of law 3304/2005 constitutes a penal offence as well, which is punished by the Court by means of penalties accordingly.

3.11.1 Good practices for combating discrimination based on sexual orientation

In the combat against discrimination in the workplace, employers' organizations and trade unions may play a significant role⁴³. A strategic approach is required which shall include an action plan with clear objectives and actions and a number of systematic follow-up systems, so that the status and the experiences of LGBT persons as well as the reaction of the public opinion with regard to LGBT matters can be assessed on a regular basis. The significance of this strategic approach is triple. It facilitates the mobilization of the entire public sector in combating discrimination against and promoting equality for LGBT people. It guarantees an integrated and sustainable response to LGBT matters, which covers the entire spectrum of LGBT discrimination events. Finally, it offers guidance inside society itself, the impact of which may produce a more favorable attitude on behalf of the public opinion vis a vis different sexual identities and sexual behaviors.⁴⁴

Good practices may also involve seminars in the workplace with the collaboration of employers and NGOs. The above needs to be put in place preferably in big as well as in small and medium enterprises, which practically have no access to specialized human resources management and cannot develop policies and actions to promote

⁴² Presentation of Laws 3304/2005 and 3488/2006-O N. 3304/2005 and the new powers of the Greek Ombudsman. Available http://www.synigoros.gr/diakriseis/odigos_04.htm#2000_43 [last access 10.10.2011]

⁴³ Kahne, H. (1975) Economic perspectives on the roles of women in the American economy, *Journal of Economic Literature*, 13, 1258

⁴⁴ Crowley, N. (2010) *Good Practice Exchange Seminar on Public Policies Combating Discrimination against and Promoting Equality for LGBT People*, Final Seminar Report, 18- 19 March 2010, Human European Consultancy, EU, OSB Consulting, The Netherlands.

equality in the workplace similar to those of larger organizations. At this point it is strongly recommended the contribution of chambers and corporate networks.

Legislation regarding equality is a good basis which may support LGBT persons' matters. The prohibition of discrimination establishes a valuable means of action; however, due to the phenomenon that victims avoid to denounce discrimination events by and large, the potential of such measure is limited. Thus campaigns in the workplace focusing on increasing the incidence of complaints against discrimination and on facilitating the access of victims to specialized assistance would be valuable.

It is equally important to implement actions to raise the awareness of trade unions regarding the fact that sexual orientation constitutes grounds, among others of non discrimination as established by the European and the national legislation alike.. The rights of persons, who are homosexuals, bisexuals or transgender persons shall be clearly included in agendas of the general assembly of trade unions.

The elaboration of specific policies dealing with bullying and harassment phenomena in the workplace as well as the clear and visible integration of LGBT persons subject matters in the equality policies of the organizations are positive steps towards the elimination of discrimination and the establishment of equality. Actions that enhance the participation of LGBT persons in all levels of trade unionism and the creation of an LGBT persons syndicate group and network might contribute in the development of equality policies, procedures and practices. Moreover, the organization of seminars, workshops and conferences on LGBT matters as well as the incorporation of LGBT matters in all the fields of action of unions would facilitate their integration in the workplace. For such reason it could be advisable that the representatives and negotiators of trade unions be trained on matters regarding LGBT human rights. To improve the working conditions the equality policies need to incorporate the LGBT matters in the workplace. On the other hand the cooperation of employers with LGBT organizations and relevant NGOs in the organization of campaigns and events focusing on equality and equal treatment would significantly contribute in the comb against discrimination and harassment in the workplace.

3.12 Multiple Discrimination

The term “Multiple Discrimination” describes the situation where discrimination take place based on various reasons that function separately. For example, a woman belonging to a national minority can be subject to discrimination based on sex in a particular situation and based on her ethnic origin in another. A different term used to describe this form of discrimination is “additional discrimination”.⁴⁵

To combat phenomena of multiple discrimination the Irish Ministry of Justice established a Working Group for Equality Proofing, with representatives of Government Divisions and Services and of social partners. The group started working in 2000 and elaborated the incorporation of this dimension in policies and the legislation. In 2003 the Group initiated a program to promote a single equality approach on the basis of poverty, sex, ethnic origin and of seven additional parameters that are covered by the Irish law against discrimination. The model was implemented in a broader strategy and lead to the National Action Plan against Racism.⁴⁶

In 2003 the Danish Institute for Human Rights established the Equality Proofing Committee with parties from the civil society, governmental organizations and independent experts representing the six basic reasons for discrimination, namely, racial and ethnic origin, sex, religion and belief, age, disabilities and sexual orientation. The aim of the Committee was to create a platform where its members could find common grounds to promote equal treatment and the combat against discrimination in a joint perspective. In 2006 after a study to map the situation of equal treatment in Denmark the Committee initiated an action plan for a society without exclusions. The aim of this action plan was to promote equal treatment for all and to fight discrimination for all segments of the society. The action plan included awareness raising seminars by the members of the participants while the civil society organizations agreed and signed a Declaration for a Society without Exclusions. The action plan also included an event with the participation of politicians, where all

⁴⁵ Hannet, Sarah (2003) “Equality at the Intersections: The Legislative and Judicial Failure to Tackle Multiple Discrimination”, *Oxford Journal of Legal Studies*, 23:1: 68.

⁴⁶ European Commission (2007) *Tackling Multiple Discrimination- Practices, Policies and Laws*, Luxembourg: Office for Official Publications of the European Communities, pag.49.

Parliamentary Members of Denmark were invited in a hearing to discuss about the declaration and their views in relation to a society without exclusions. The Declaration for a Society without Exclusions was signed by 22 different NGOs and led to a new action plan (2007-2010) for the implementation of such Declaration and the accomplishment of its objectives.⁴⁷

In Romania the National Council for Combating Discrimination has been founded as a national body for equality. By means of its work the Council understood that it was difficult to tackle particular situations regarding the Roma women, because it was not clear whether such people were subject to discrimination based on their racial or ethnic origin or sex. The Council observed that the reasons were so intrinsically interrelated and for this reason it recommended to the Government to amend the law on equal treatment. Indeed, the law was amended and in accordance to the new law if a person is subject to discrimination for two or more reasons, such situation shall be considered as «aggravating circumstance».⁴⁸

The Swedish Rheumatism Association is another NGO example that understood that the group it represents is not uniform. The organization was obliged to recognize that patients suffering from rheumatism, victims of discrimination for several reasons do not receive the treatment and support they are entitled to or they do not have access to treatment or support due, for example, to lack of linguistic skills. Thus in 2004 the Association started the NIKE Project. This project endeavors to contribute in empowering women that suffer from particular rheumatism disease, and are immigrants. The association offers training courses to different cities of Sweden. When the training is completed such women organize activities for women in their community and become the link between their group and the local organizations for people with rheumatism diseases. In addition the association has close cooperation with the Ombudsman, who is responsible for tackling discrimination based on racial or ethnic origin.⁴⁹

⁴⁷ European Commission (2007) *Tackling Multiple Discrimination- Practices, Policies and Laws*, Luxembourg: Office for Official Publications of the European Communities, pag. 50

⁴⁸ European Commission (2007) *Tackling Multiple Discrimination- Practices, Policies and Laws*, Luxembourg: Office for Official Publications of the European Communities, pag. 50

⁴⁹ European Commission (2007) *Tackling Multiple Discrimination- Practices, Policies and Laws*, Luxembourg: Office for Official Publications of the European Communities, pag. 51

Instead of epilogue

The right of every citizen to equal treatment in employment must be tackled equitably irrespective of any particular characteristic or condition. During the recent years and with the contribution of the European Union new legislations have been established in order to strengthen and specialize this principle by introducing the principle of non-discrimination in employment based on sex, racial or ethnic origin or community origin, disabilities, religion, age or sexual orientation. These developments come to legally bind the society, its institutions and the economic players involved on a basic universal principle: that man must be judged and evaluated according to objective facts and that diversity cannot be an element for discrimination or exclusion.

However, legislative adequacy must, by no means, lead to appeasement and inertia, since the legal establishment of the principle of equality in employment per se does not imply the immediate implementation of the legislation. Equality in employment is more than a legal principle or a simple argumentation on human rights. It is clearly a responsible declaration and obligation of the state, which has the constitutional duty to equally treat all citizens irrespective to their sex.

In order to put in place the framework of the equality principle in employment we need to work hard and invest in terms of efforts beyond the legal formalities and the typical reports. The state must focus and commit itself in implementing the relevant legislation. The collaboration and accountability on behalf of all stakeholders is a prerequisite for the implementation of the legislation. Education, mentality and awareness constitute the basic structures that may ensure the success of such legislation.

Beyond the need for establishing measures at a legislative level, the implementation of the objective of the legislation in practice (which is indeed the elimination of discrimination in practice) requires and must be assisted by the promotion of practical measures and policies, which shall contribute as well to the achievement of the desirable outcome, namely the formation of a just society for all individuals, irrespective to their sex, religion, origin, language, culture or other belief.

Codes of ethics in combination with a strong legislative framework against any kind of discriminations are the tools to create policies and perceptions on equality and on tolerance to any differences. These tools are of particular importance and significance in the employment sector, where the existence of discriminations could lead to financial malaise and to social exclusion; this is why comprehensive actions are being taken both at the national and the European level for more efficient actions in the chapter of equality at work.

The matter of fighting discrimination due to age, sexual orientation, race or nationality, religion or other convictions, is not limited to the sector of work and employment but covers many sectors of a society, including access to goods and services, access to housing and to social services, etc. Discriminative behaviors and actions, however, cannot be treated only as legal matters. Most of the times the less favorable treatment of a person due to, for example, his/her age, religion or sexual preference stems out of stereotypes, prejudices and frozen perceptions with relation to the particular group. Stereotypes and bias are nothing more than misinformed views and assumptions for the persons comprising certain group, which do not correspond to reality and can be particularly harmful for the persons and society in broader terms. For this reason exactly public dialog and proper information of the public are important tools to achieve the objective of promoting equal opportunities and equal treatment for people with different sexual preferences, different religion or convictions, race or nationality, in the framework of a continuous effort to create a tolerant and multifaceted society.

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