

Equality and non-discrimination

Law 4443/2016 (Official Gazette, A', 232, 9-12-2016) amended Law 3304/2005 on the implementation of equal treatment between persons irrespectively of racial or ethnic origin, religion or belief, disability, age or sexual orientation. The new law creates a single, clear and legally robust application of the principle of equal treatment in accordance with the case law of the European Court of Justice. Most importantly, the new bill assigns overall powers to the Greek Ombudsman, (an independent authority according to the Greek Constitution) to receive and examine complaints on discrimination in public and private sector.

Furthermore, according to the provisions of the aforementioned law, there is no «indirect» discrimination when the provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

In addition, cases of justifiably different treatment are provided for in the following cases:

a) Difference of treatment which is based on a characteristic related to any of the grounds referred to in Law 4443/16 shall not constitute discrimination where, by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, such a characteristic constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate.

b) Treatment on grounds of age does not constitute discrimination, if, within the context of law, they are objectively and reasonably justified by a legitimate aim, including legitimate employment policy, labour market and vocational training objectives, and if the means of achieving that aim are appropriate and necessary.

Such differences of treatment may include, among others:

- the setting of special conditions on access to employment and vocational training, employment and occupation, including dismissal and remuneration conditions, for young people and older workers, in order to promote their vocational integration or ensure their protection,
- the fixing of minimum conditions of age, professional experience or seniority in service for access to employment or to certain advantages linked to employment and,
- the fixing of a maximum age for recruitment which is based on the training requirements of the post in question or the need for a reasonable period of employment before retirement.

c) The fixing for occupational social security schemes of ages for admission or entitlement to retirement or invalidity benefits, including the fixing under those schemes

of different ages for employees or groups or categories of employees, and the use, in the context of such schemes, of age criteria in actuarial calculations, does not constitute discrimination on the grounds of age, provided this does not result in discrimination on the grounds of sex.

d) Positive measures do not considered to be discrimination. The state can adopt or maintain special positive measures to prevent or compensate for disadvantages linked to any ground of discrimination referred in Law 4443/16, age among them.

By virtue of Law 4093/2012, provision has been made for raising pensionable ages by two (2) years (from 65o to 67o) and equalizing them for men and women in order to ensure the sustainability of Greece's social security system. Establishing a pensionable age for beneficiaries of old age pension (for invalidity pensions no retirement age limit is required) does not constitute discrimination since in all social security systems an age limit is provided for.

Finally, we inform you that the Ministry of Labour, Social Security and Social Solidarity, taking into account the objectives of Europe 2020 Strategy, is implementing a wide package of policies in order to achieve active ageing by increasing employment rates of older people, i.e., policies to boost labour demand for these people, policies to boost labour supply for this age group and continuing vocational training and lifelong learning policies for older workers or unemployed persons.

In particular, regarding employment policies for older persons, the most important measures planned and implemented by the Ministry of Labour are the following:

I. Incentives for enterprises to hire older unemployed persons

Older workers are valuable in the labour market since they have professional knowledge and experience and therefore their reintegration into the financially active population is essential. However, due to the fact that labour cost is sometimes higher for older workers, financial incentives as given to enterprises in order to employ older persons.

Given the above, Employment programs are implemented by subsidizing enterprises in order to employ older unemployed persons.

Moreover, community employment schemes are implemented (2016) awarding more points to citizens over 45.

II. Training and life-long learning

Upgrading workers' skills is a key element in improving their employment perspectives. Especially older persons will be more likely to find a job or retain their jobs and extend their working lives. To this end, training programs are implemented for older age groups of the labour force.

Neglect, violence and abuse

According to art. 2 par. 1 of the Greek Constitution, “Respect and protection of the value of the human being constitute the primary obligations of the State”. Furthermore, Art. 5 par. 2 of the Constitution provides that “All persons living within the Greek territory shall enjoy full protection of their life, honor and liberty irrespectively of nationality, race or language and of religious or political beliefs”. Moreover, according to art. 7 par. 2 of the Constitution, “Torture, bodily maltreatment, impairment of health or the use of psychological violence, as well as any other offence against human dignity are prohibited and punished as provided by law”. Finally, according to art. 25 of the Charter of Fundamental Rights of the EU (Rights of the elderly) “The Union recognises and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life”.

General comments

In Greece, apart from the closed care structures, there are day care centers for elderly people. These centers serve older persons who are not able to fully serve themselves (because of dementia, mobility difficulties etc.) and whose family environment works or faces crucial social or economic problems. The purpose of these centers is to improve the quality of life of the elderly, as well as to assure that they remain close to their natural or family environment.

Moreover, in the context of the primary social care services, the “Home Help Program” has been developed and implemented, which provides social work services, nursing care and family home care to elderly persons who live alone or with their families. The purpose of this program is to improve their quality of life and to support their independent living, avoiding detachment from their familiar environment.

Furthermore, in the context of the prevention of specific diseases, the “National Pilot Program for the Prevention and Health Promotion of Elderly People” is implemented, which for 2015 was designed to prevent diabetes, while for 2016 was designed to prevent osteoporosis and falls. This program constitutes an initiative of the Ministry of Health, after adopting the relevant proposal of the Greek Gerontological and Geriatric Society and is carried out in cooperation with other scientific societies or co-competent bodies (such as the Hellenic Endocrinology Society, the Hellenic Society of General

Medicine, the Association of Nurses of Greece, the Pan-Hellenic Medical Association etc.). It includes actions of information and sensitization addressed to elderly persons, their families, caretakers, as well as to health professionals. Moreover, it includes laboratory tests and clinical assessments for the prevention and improvement of treatment of the diseases as mentioned above.

On the one hand, all the aforementioned contribute significantly to the improvement of health and the quality of life of the elderly people, but on the other hand, they are not integrated into a more general framework of national planning, which would take into account the multiple factors affecting health and quality of life in the third age, as well as the need for coordination of relevant ministries and agencies. These actions do not foresee the collection of data, which is important for the evaluation of these programs and the redefinition of goals, if necessary. Therefore, the planning of actions for the protection of health of elderly people, at a national level, should focus, in the near future, on the following:

- Creation of a database on the prevalence of chronic illnesses of the third age in Greece.
- Creation of a data collection system necessary for the evaluation of interventions.

In conclusion, according to the above, the Strategic Planning Department, currently, does not have any data regarding the discrimination against elderly persons in the field of health or the availability, access and quality of services.