



PERMANENT MISSION OF GREECE
GENEVA

EXTREMELY URGENT

No 6174.2/AS 1270

NOTE VERBALE

The Permanent Mission of Greece to the United Nations Office and other International Organizations at Geneva presents its compliments to the Chairperson of the Working Group on the issue of human rights and transnational corporations and other business enterprises, and, referring to his letter dated 5.5.2017, has the honour to attach herewith the contribution of the following Hellenic Authorities:

a. Ministry of Economy and Development

b. Ministry of Labour, Social Insurance and Social Solidarity

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Chairperson of the Working Group on the issue of human rights and transnational corporations and other business enterprises the assurances of its highest consideration.



Mr. Michael K. Addo
Chairperson
Working Group on the issue of Human Rights and
transnational corporations and other business
enterprises
Email: wg-business@ohchr.org

Attached: 3 pages

HELLENIC MINISTRY OF LABOUR, SOCIAL INSURANCE AND SOCIAL SOLIDARITY

Σε απάντηση του υπ'αριθμ.23118/15-05-2017 εγγράφου σας αναφορικά με το Ερωτηματολόγιο του Προέδρου της Ομάδας Εργασίας για τα Ανθρώπινα Δικαιώματα και τις Επιχειρήσεις σχετικά με την αποτελεσματική αντιμετώπιση παραβιάσεων ανθρωπίνων δικαιωμάτων από πολυεθνικές και άλλες επιχειρήσεις, παραθέτουμε ακολούθως τις απαντήσεις της αρμόδιας Δ/σης Κοινωνικής Προστασίας και Κοινωνικής Συνοχής του Υπουργείου Εργασίας, Κοινωνικής Ασφάλισης και Κοινωνικής Αλληλεγγύης:

1. Does the Constitution or domestic laws of your country recognise the right to an effective remedy for violation of human rights? If yes, please provide details.

Law 4443/2016 implements, inter alia, Directive 2000/78 / EC on the equal treatment of persons irrespective of religion or belief, disability, age or sexual orientation in the field of employment and occupation. Law 4443/2016 replaced the former national Law 3304/2005 against discrimination.

In accordance with the provisions of the above law, direct or indirect discrimination of persons in the public and private sectors by reason of race, color, ethnic or ethnic origin, birth, religious or other beliefs, disability or chronic illness, age, family or social Status, sexual orientation, gender identity or gender in employment and occupation, is prohibited.

Paragraph 2 of article 15 of Law 4443/2016, provides the penalties applicable to infringements of the principle of equal treatment in employment and occupation.

2. How would you rate on a scale of 1 to 5 (1 being not effective, and 5 being highly effective) the "effectiveness" of available remedies in your jurisdiction for business-related human rights abuses?

There is no evidence data of the effectiveness of the available remedies.

3. Please provide information about the types of remedies (e.g., compensation, injunction, criminal prosecution, administrative fine, public apology) available under different domestic laws for business-related human rights abuses.

In case of breach of the principle of equal treatment judicial protection is provided to the injured party. Administrative appeals are also available.

According to Law 4443/16, when persons who consider themselves wronged because the principle of equal treatment has not been applied to them establish, before a court or other competent authority, facts from which it may be presumed 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. This is not applicable to criminal procedures.

Also, the breach of the principle of equal treatment in employment and work constitutes a violation of the labour law. Under the article 24 of Law 3996/2011 the Labor Inspectorate can impose administrative penalties.

4. What steps have been taken (or are being planned for the future) to strengthen access to remedy for business-related human rights abuses subsequent to the endorsement of the UNGPs in June 2011 and the June 2016 report of the OHCHR on “improving accountability and access to remedy for victims of business-related human rights abuse” (A/HRC/32/19)?

The Greek Ombudsman was, under the previous anti – discrimination Law 3304/05, the body responsible for the promotion of equal treatment in the field of public sector. The Ombudsman publishes an annual report presenting information about complaints concerning discriminations in public sector.

Under the new Law 4443/16 the Ombudsman is responsible to monitor and promote the application of the principle of equal treatment to the public, the wider public and also, for the first time, the private sector. Thus, for the first time, private sector workers have the possibility to file a complaint to the Ombudsman in case of violation of the principle of equal treatment.

The Body responsible for the observance of the statistical data on the sub-divisions of Law 4443/2016 is, regarding the private sector, the Labor Inspectorate. The above data should also be sent to the Ombudsman.

8. Are civil society organisations and human rights defenders assigned any specific role in your jurisdiction for facilitating access to effective remedy in cases related to business-related human rights abuses? If yes, please provide information.

Article 13 of Law 4443/16 provides for social dialogue procedures on the principle of equal treatment. According to this, the State should encourage the dialogue between the social partners as well as dialogue with non-governmental organizations. The Economic and Social Committee should also encourage dialogue with its member organizations in order to inform, raise awareness and participate actively in the promotion of the principle of equal opportunities and equal treatment.

Είμαστε στη διάθεσή σας για οποιαδήποτε διευκρίνιση ή περαιτέρω πληροφορία.

Η Αν. ΠΡΟΪΣΤΑΜΕΝΗ ΤΗΣ ΔΙΕΥΘΥΝΣΗΣ

ΜΑΡΙΑ ΚΟΥΓΚΟΥΔΙΑΝ

2/2

HELLENIC MINISTRY OF ECONOMY AND DEVELOPMENT

Question 9. The formulation of a national strategy in the field of corporate social responsibility is within the authority of our directorate, and consequently within the authority of the General Secretariat of Trade and Consumers' Protection. The process mentioned above, as well as the drafting of a national action plan for corporate social responsibility is under way. The national action plan, which is in full compliance with the U.N. resolutions and the constitutional provisions concerning the protection of human rights, provides incentives for the voluntary compliance of business enterprises to its principles and will shortly be put under discussion with the stakeholders.