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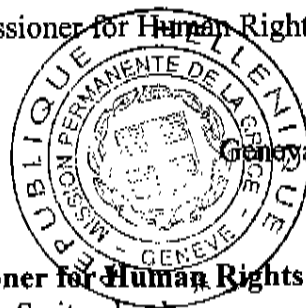
PERMANENT MISSION OF GREECE
GENEVA

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NOTE VERBALE

The Permanent Mission of Greece to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and, following the latter's Note Verbale GVA-0223, dated 24 April 2014, in relation to the questionnaire from the Working Group on the issue of human rights and transnational corporations and other business enterprises, has the honour to submit the attached response by the Greek Government (Ministry of Development and Competitiveness and Ministry of Labour, Social Security and Welfare).

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 Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, June 30, 2014

To: **The Office of the High Commissioner for Human Rights**
Palais des Nations, CH-1211 Geneva 10, Switzerland
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Att.: 3 pages

MINISTRY OF DEVELOPMENT AND COMPETITIVENESS

Contact points are Alexandra Nassou (anassou@gge.gr, +30 213 1514 454) for questions concerning CSR and Afroditi Theodorakakou (atheodor@gge.gr, +30 213 1514 565) for questions concerning public procurement.

In the field of **Corporate Social Responsibility**:

In order to deal with legal framework changes (directive for publishing non-financial information) and create the National Action Plan (NAP) for CSR (national strategy, administrative support, tools and mechanisms, expertise), **General Secretariat of Commerce** created a working group consisting of representatives of the Ministries of Development, Environment and Labour, as well as academic and business entities.

The purpose of the National Action Plan of Corporate Social Responsibility is to create a comprehensive framework of action to consolidate and implement the principles of CSR in Greece in order for the Greek enterprises and public organizations to integrate it directly to their business strategy and to develop actions and practices of corporate responsibility.

One of the principles of CSR mentioned in the NAP is the respect of international rules of conduct for human rights.

Right now the NAP is being developed and in the coming days it will enter into consultation.

In the field of **Public Procurement**:

1. The government has proceeded by means of presidential decree to the incorporation in the tender for calls of clauses which consider
 - a. the offer of any form of entity which uses labor in any form (labor / secondary works) of children under the age of 15 in breach of articles 138 and 182 of the International Treaty for Labor as non acceptable. The participant signs a declaration in which he declares that he is aware that the enterprise where the product is manufactured respects the abovementioned provisions of the Treaty.
 - b. An offer as acceptable only if the entity has proceeded to the payment of all social security funds for the persons it uses for the execution of the public procurement contract.
2. Public procurement is executed with respect to the principles of non discrimination and equal treatment provided for by EU Law.
3. As far as respect of personal data is concerned in public procurement procedures

All information provided to the public or used by public authorities or third parties is subject to the Law concerning the protection of personal data.

The relevant law (2472/1994) considers that such data can be published only if the person concerned has given explicit consent for said use.

MINISTRY OF LABOUR, SOCIAL SECURITY AND WELFARE

“Public procurement

Point 15. In 2012, Law 4052/2012 came into force, in order for the Greek legislation to be adapted to the Directive 2009/52/EC of the European Parliament and the Council of 18.6.2009 "on the enforcement of minimum standards on sanctions and measures against employers of illegally staying third-countries", which prohibits the employment of illegally staying third country nationals in order to fight illegal immigration.

Among other administrative sanctions imposed on companies who violate the provisions of this Law, Article 87 provides that the national competent authority may impose, by its decision, on the infringing employer:

(a) an exclusion from entitlement to some or all public benefits, aid or subsidies, including E.U funding managed by Member States, for up to five years [Article 87(1)(A)(a)]

and

(b) an exclusion from participation in a public contract as defined in Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts for up to five years [Article 87(1)(A)(b)].

The main objective of this regulation is to link the participation of a company to public procurement framework and processes with the level of respect that shows to the migrants' labor rights, which ensured, mainly, through their legal employment.”

{in relation to questions 4, 5, 8, 11, 27, the following is underlined}:

“A National Action Plan for Human Rights was recently (in December 2013) developed by the General Secretariat of Transparency & Human Rights of the Ministry of Justice. In its Chapters Nr. 7, 9 and 12 titled "Right to work and insurance", "Rights of Aliens" and "Protection of persons with disabilities" are included, respectively, specific action programmes proposed for the protection of the rights of vulnerable groups of people, which have to be carried out by services of the Ministry of Labour. Some of these programmes set incentives for employers in order to recruit such individuals.

Regarding human rights in the field of labor and employment, the Labour Inspectorate generally oversees, in accordance with Law 3304/2005 (Section III) and Law 3996/2011 (Article 2), the implementation of the principle of equal treatment of workers by their employers, irrespectively of racial or ethnic origin, religion or belief, disability, age or sexual orientation. For this purpose, the Labour Inspectorate have jurisdiction over any activity performed by both private or state-owned companies and civil services, with the exception of the work on board vessels and in other means of transportation, the work in mines and certain activities that have "inherent particularities" (e.g. firefighters' work).

With regard to the field of **Safety and Health at Work** in particular, inspectors have to verify the employers' compliance with the provisions of the labour legislation relative to the following two categories of workers / employees:

- **Persons with a disability (including HIV-positives).** They should be enabled to have access to a post and to work without restrictions, mainly through making the appropriate

modifications in the workplaces in accordance with the provisions of Presidential Decree No.16/1996 "Minimum safety and health requirements for the workplace in compliance with Directive 89/654/EEC" – for which it must be noted that it is not applicable to transporting, structural, mining and agricultural activities. Possible changes in the workplace may refer to the doors, the corridors, the stairways, the places of the light switches and the life-saving equipment, the baths (showers, washbasins, lavatories), the furnishings etc.- provided that these can be undertaken by the employers at a reasonable cost.

- **Pregnant women and mothers of infants up to 12 months old.** A special part of a company's Written Assessment of Occupational Hazards should be referred to the protection of their health and safety in accordance with Presidential Decrees Nr. 176/1997 and 41/2003, specifying the appropriate measures to be taken in order to safeguard \ these workers / employees against dangerous physical, chemical or biological hazards within the workplace. If their exposure cannot be avoided, they should be able to move to another post or be exempted from work temporarily. The Occupational Safety & Health Inspectors carrying out inspections - either on a schedule basis or upon complaints (anonymous or named) - focused on the facilities of enterprises employing persons of the aforementioned vulnerable groups, when they become aware of infringements they shall enforce the immediate application of safety measures and may in parallel impose fines or file lawsuits. It should be noted here that the vast majority of such complaints refer to public employees or people working in state-owned enterprises."