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**Introduction**

Discrimination taking place against disabled persons, either in the form of positive acts or in the form of omission of acts that would equate them with the rest of the population, constitutes an insurmountable (due to its nature and extent) barrier that leads to social exclusion\(^1\). If we wanted to give a definition of the multifaceted concept of social exclusion, we would say that it is the phenomenon which arises from limited access to social and public goods, the lack of which causes mainly economic deprivation and marginalization. The truth is that there is currently no universally accepted definition, on the contrary the term acquires different content depending on the theoretical frame within which it is used. In discussions around social exclusion, however, work is seen as the main factor of social integration.

The problem of social exclusion is primarily a matter of justice, not numbers. It touches upon the question what kind of democracy we want for Europe; democracy of the popular strata or of the favoured social groups? The answer can only be affirmative to the first part and in this direction is also rotated the contemporary-social concept of disability\(^2\). According to this view, disability is a phenomenon caused by the interplay of personal characteristics and characteristics of the environment in which the person lives. This means that a person with a physical handicap may be experiencing disability in an environment and not in another, depending on the obstacles and facilities which characterize this environment. This approach rejects the medical model of disability and turns disabled people into bearers of rights and not problems. It establishes the social right of the excluded to equal treatment and puts an end to their treatment as charity recipients. They are now entitled to their own right against inequality and can legally claim it.

The context examined includes the consideration of state and non-state expenditure in favour of disabled people as productive and not consuming (investment in human resources)\(^3\), because people with disability can, with the appropriate adjustments, participate in social, political, working, etc. life as equal citizens, workers, producers and consumers. The involvement of disabled people at work plays of course a key role throughout this process, since it is thanks to it that they assist in strengthening the economy.

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1 "Σχεδιασμός πολιτικής σε θέματα αναπηρίας – Εγχειρίδιο εκπαιδευομένου (Design of policies on disability issues)", E.S.AmeA. (National Confederation of Persons with disability), 2014, p. 159.
That is why member-states have attached particularly high importance in employability and have taken various measures to ensure and enhance the access of disabled people at work. Indicatively: financial incentives are provided to the private sector for the recruitment of specific groups of the population, financial incentives are also provided to people with disabilities to promote their own business activity, technologies that limit or eliminate obstacles faced by the disabled are promoted, etc. All this serve the notion of "accessibility"\(^4\), which offers a wealth of benefits not only to the disabled but also to their employers: the latter attract new employees, are able to retain their former workforce should it acquire a disability, are opening their businesses to society, etc. The state benefits as well, as the workforce is increased, spending on social protection is reduced, etc.

However, since there is still a long way in order for declarations and wishful thinking to become a reality, it is useful for those concerned to acquaint themselves with their rights and capabilities, so as to contribute in the amelioration of the current situation and achieve an even higher level of protection. The aim of this deliverable is to contribute to the possibility of effective assertion of the right to work and improved working conditions, thanks to the knowledge of the European and national legislative framework regulating, inter alia, the employment options, the potential of assistive technologies, reasonable adjustments and the framework of financial incentives to businesses. As far as legislation is concerned, the «Americans with Disabilities Act» is, among others, an important tool in this survey, because it is the first law introducing the rights of disabled persons in the World Charter and in connection to it there is a wide range of case-law.

For all the above mentioned reasons, in the first part of the present deliverable basic definitions and terms related to disability and employment, statistic data from Greece and the European Union as well as policies and programs related to access of disabled persons to employment are presented. In the second part, the international, European and national legislation and institutional framework are examined.

\(^4\) This kind of concept is special against the generic concept of "access", which refers to the access of all citizens to all areas of social activity. To gain access, accessibility measures must be horizontal, which means they have to deal with all sectors of social life, “Σχεδιασμός πολιτικής σε θέματα αναπηρίας – Εγχειρίδιο εκπαιδευόμενου (Design of policies on disability issues)”, E.S.AmeA (National Confederation of Persons with disability), 2014, p. 154-5.
Part A: Basic terms, statistics, policies and programs
A.1 Employment policies for disabled persons: terms and concepts

A.1.1 Theoretical Models of Disability

Employment and disability are the two terms to be dealt with in this report.

There are several meeting points between these two, such as theoretical frameworks, applications, practices and policies. Before starting to analyse the interesting fields of theories and policies, it would be useful to clarify some basic terms.

Disability is a complex phenomenon, which extends from the body to the society. It is an evolving concept that involves the interaction between disabled persons, environmental obstacles, and prejudices. Full and effective participation of disabled persons in society on equal terms is hindered by those barriers. As it is understood, terms, such impairment, mediate on the meaning of the concept of 'disability' and in parallel are connected with the initial meaning of the term.

The meaning, the idea, the notion of disability has changed considerably over the years. The disabled people’s movement has mainly contributed to this process, in parallel with the growth of social sciences. Nowadays, we can accept that there are two main models of disability, the medical and the social one.

A.1.1.1 Medical and biopsychosocial model of disability

Until the 1980s, the prevailing model in the disability area was the medical one, which is based on physiology. According to this, disabled people are deemed in need of medical treatment, which can only be provided by specialists.

The medical model sees disability as a physical or mental impairment and therefore the person is facing personal and social consequences. Thus, the restrictions and obstacles that disabled people face arise primarily or solely from their body’s limitations.

In 1980 the World Health Organization (WHO) created a health classification system of health and disability known as the International Classification of Impairment, Disability and Handicap (ICIDH). According to it there were threefold divisions which were reflected as:
• Impairment: “Any loss or abnormality of psychological, physiological or anatomical structure or function”.
• Disability: “Any restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within the range considered normal for a human being”.
• Handicap: “A disadvantage for a given individual, resulting from an impairment or disability, that limits or prevents the fulfilment of a role (depending on age, sex, social and cultural factors) for that individual” (Adapted from WHO, 1980: 29).

This model caused severe reactions in disabled people’s movement. The main criticism is that it focused on people's impairments, which are seen as the causes of the barriers they face in achieving their daily activities (disability) and fulfil their social roles (handicap). Therefore, the solution is to treat and rehabilitate the impairment, so health and social welfare professionals emphasize the needs that arise from the impairments and not disabled people’s experiences (Barnes and Mercer, 2003).

Thus, according to the above, the disability has to do with each individual’s “deficit” and personal problem as compared with “normal” people (Abberley, 1999: 2). Policies for disability are limited to those involving medical interventions, maintaining in this way attitudes and behaviours related to the patient's idea of “abnormality” reproducing discrimination and creating conditions for social exclusion (E.S.AmeA 2014).

The World Health Organization (WHO, 2001) has shifted the notion to a new model of disability, the biopsychosocial. In this disability is understood through the interaction of biological, psychological and social factors. In its recent review of the functioning, disability and health this is presented in International Classification of Functioning, Disability and Health (ICF) (WHO, 2001) where there has been introduced two new terms functioning) and disability.

- Functioning:
  • Body Functions are physiological functions of body systems (including psychological functions).
  • Body Structures are anatomical parts of the body such as organs, limbs and their components.
  • Activity is the execution of a task or action by an individual.
  • Participation is involvement in a life situation.
- Disability:

- Impairments are problems in body function or structure such as a significant deviation or loss.
- Activity Limitations are difficulties an individual may have in executing activities.
- Participation Restrictions are problems an individual may experience in involvement in life situations.

Although the last review mentions the environmental barriers that disabled people face, the starting point retains the individual and does not recognize disability as a social phenomenon, which derives from the barriers that society impose against the equal participation of disabled people. (Barnes and Mercer, 2004).

In the above definition, it seems to be implied that there are biological and medical standards that can describe the structure and function of human capacity. Such “normal” characteristics depend to some extent on a society which produces patterns of “normality” (Wendell, 1996).

The notion of “normality” has also been questioned by the field of Medicine and Philosophy. Georges Canguilhem approaches the terms such as pathological and normal by reading the process that identifies the terms. As he says: “Arranging [normer], normalizing [normaliser], means imposing a claim to a presence, whose diversity and heterogeneity, is shown from the perspective of the claimant, as indeterminacy more hostile than simply paradoxical”. (Canguilhem, 2007: 304)

A.1.1.2 Social disability model

The social perception of disability has been developed in contrast to the medical model approach. The diversity and the heterogeneity that disability includes is, by itself, challenging to the medical norm. Disability as a social construction, is approached from different perspectives that do not always mean the same thing (Wendell, 1996: 36).

In general, the social model of disability tries to shift the medical perspective of disability. According to it, the social exclusion that disabled people face is caused by the inadequacies of the environment as well as existing barriers and culture, and not from the individual’s limitations in the functionality or health problems (Barnes, 2003: 5).
Around 1976 activists with disabilities in England questioned the hitherto theoretical framework on disability claiming their rights. The principle text of the social model of disability is the “Fundamental Principles of Disability” by UPIAS Union of the Physically Impaired Against Segregation (UPIAS, 1976). For the first time it was heard by disabled people themselves that society is the one which “disables” people with impairments and that disability is something imposed on top of people’s impairments, in a way that unnecessarily isolates and prevents the equal, full participation in society.

The definitions according to the social model are the following:
- Impairment: Lacking part or all of a limb, or having a defective limb or mechanism of the body.
- Disability: The disadvantage of restriction of activity caused by a contemporary social organisation which takes no or little account of people who have physical impairments and thus excludes them from participation in the mainstream of social activities (UPIAS, 1976).

The above model has changed the meaning of disability, arguing that restrictions and barriers faced by disabled people do not rise from body limitations or functioning, but they are a result of the way society is structured and how it responds to people who have impairments.

Furthermore, it does not address the problems separately but in a broader context of barriers. For example, barriers to employment can be not only the way the labour market is organized excluding disabled people, but also barriers to transportation, education, and culture.

However, it should be clear that the social model of disability does not reject medical interventions and rehabilitation interventions as not helpful to people with disabilities (Oliver M., 1996).

Disability policies have been underpinned by the perception of disabled people as "having something wrong with them" and therefore they are a problem to be dealt with. Therefore, the approach of the medical model is based on the notion of “personal tragedy” and individual’s responsibility, while the social model focuses on the constraints and obstacles which are related to the model of social organization, which does not include people who differ thus excluding them from its activities.
Also, Vic Finkelstein (1980) argues that industrialization was the cause of disabled people’s marginalization from the production process leading to their social exclusion.

**A.1.2 Theory of Disability and Work**

For many people, work is not only considered as a source of income but a way of determining their identity. For many disabled persons, the right to work is a key element of the struggle for equal rights.

The way working conditions are designed, (capacities, strengths, hours, and days of employment) are hostile for a large part of the population (Abberley P. 1999).

In capitalist societies the mode of production (productivity, efficiency, maximum gain, etc.) and the connection of social status with work, excludes those who cannot meet those criteria, marginalizing them from society. According to Mike Oliver (1990) the definition / concept of disability is associated with the economic, social structures and the central ideas of the mode of production. The individual and medical view of disability is associated with the needs of capital for labour, which copes with the needs of industrialized society.

Vic Finkelstein in his article “Attitudes and Disabled people” (1980) presents three historical phases associated with social exclusion of disabled people. The first is determined before the industrial revolution, when the economy was based on agriculture. Disabled people were excluded and were placed at the bottom of the social hierarchy with the poor and the unemployed. In the second phase, with the rise of capitalism, which led to industrialization, disabled persons were excluded from work because they could not respond to the way that work was organized. Consequently, they were considered passive and dependent members of a society that had to provide care and supervision, which led to the creation of institutions and segregated them.

Finally, the same author argues that the third phase is the post-industrial period which is the present one. It is hoped that the evolution of technology will stop the social exclusion that disabled persons face as there are means which can facilitate the reintegration of disabled people in society and in the labour market, so they will be able to live independently in the community.
The latter view was widely criticized, as disabled persons, despite the technological developments, remain excluded from the labour market.

According to Walker (1982), the only types of jobs offered to disabled persons are usually lower paid jobs of lower capacity, meaning that they are less demanding and contributory – this phenomenon is characterized as underemployment. In underemployment there is a lack of opportunities for promotion and utilization of skills that people with disabilities have as employees (Barnes et al., 1999).

According to Oliver (2004), the policies that have been adapted so far focus on the preparation of disabled people to join the work force, but the way the work is realized and structured has not been challenged in order that more disabled people have access to it. Emphasis has been given to vocational rehabilitation and training and not on removing barriers or trying to find a way in order to remove discrimination in the labour market.

A.1.3 Other important terms and concepts

- Discrimination:

The term discrimination may have both positive and negative meaning, depending on the frame of reference. Thus, in relation to the positive concept, it refers to the distinction, as well as special features, decency and honour recognition. The negative side of discrimination refers to the hostility shown to some people or a group of persons by society or political authorities, which violate their basic rights in terms of gender, class, race, religion, political beliefs, or disability.

In English language this double dimension of the concept is maintained, however emphasis is placed on the negative sense. So, the term is used about the action or a treatment in favour or against a person or a group, on the basis of their class, or social category to which the person belongs. Also, the term refers to aesthetic criteria, as well as something that is worth differentiating.

In the area of disability discrimination, the term is usually used in its negative content. People with severe impairments and multiple needs of personal assistance due to the lack of physical autonomy are considered to be more dependent and they are more vulnerable to all forms of negative discrimination as well as violation of their fundamental rights (E.S.AmeA., 2008: 24).
Discrimination may have more than one form in one person. Women with disabilities may experience double oppression, based on disability and on the basis of their sex. In such cases, we find multiple discrimination, which requires special treatment through interventions, policies, measures. The same applies for immigrants, refugees, expatriates, and repatriates with disabilities.

The Directive 2000/78 / EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation of the European Union, determined the scope of the term “discrimination”. Furthermore, it clarifies the distinction between direct and indirect discrimination. According to the general principle of equality in the EU law, comparable situations must not be treated differently, but different situations must not be treated in the same way (E.S.AmeA., 2008: 85).

Direct discrimination occurs when a person is treated less favourably in comparison with another person in a similar situation (Directive 2000/78 / EC; Article 2). However, there are few times when it is hard to have a real comparative standard, so you should find arguments for a hypothetical comparative standard (E.S.AmeA., 2008: 86).

Indirect discrimination is defined again by this Directive and it refers to any “covert” discrimination. So, according to the article: there is indirect discrimination where an apparently neutral provision, criterion or practice may cause negative discrimination to people who have particular religion or belief, a disability, age, or sexual orientation, compared to others (Directive 2000/78 / EC; Article 2).

- Social exclusion:

The roots of the term can already be found in Aristotelian thought, but the modern conception emerged in France in the decade of 1970 (Mathieson et al., 2008: 5). Aristotle connects the richness/value of human life with the need for acceptance. These are found in connection with the exploration of life through activity. Thus, the deprived life does not allow the freedom to choose activities (Sen, 2000: 3-4).

The term was used in the 1960s in France and appeared in three different versions of Pierre Massé, J. Klanfer, and Joseph Wrésinki (Papadopoulos, 2002: 45). The “social exclusion” (exclusion sociale) as an expression used by René Lenoir in 1974 to refer to the fact that 1/10 of the
population in France had no access to basic services provided by the state to citizens (Andriopoulou, Papadopoulos & Tsakloglou, 2013: 19).

It is a multidimensional term with a variety of applications, which refers to the lack of access to goods and services for an important part of the population. It results in marginalization and poverty. Thus, social, political and economical factors are identified as having a direct influence in a person’s position in society (Logaras, 2013: 9-10).

The excluded person or group of people does not have access to basic social activities, to the labour market, to the educational system, and to the health insurance system and also cannot participate in a range of societal activities.

Social exclusion is associated with disability. Key factors in this respect are threefold. First of all, low income along with unemployment, underemployment, or unemployment in the household. Also, the cost of living with a disability, especially if one calculates the cost for services and products that are not covered by the insurance system. Finally, the societal barriers that lead to marginalization or exclusion from social activities. These factors contribute to the discrimination faced by disabled persons and their families (E.S.AmeA, 2008: 53).

- **Accessibility:**

The concept of “Accessibility” refers to the environment and the features that allow safe, comfortable and independent access to services and goods (E.S.AmeA, 2008: 212). This access should take place without discrimination based on sex, age, disability or other characteristics.

The term also refers to functionality, i.e. if one can use a service. Moreover, accessibility refers to the communication, when one can have access to information as the rest of the population (E.S.AmeA, 2008: 212).

According to the new Greek Building Regulations published at the Official Government Gazette (OGG 79/A/9-4-2012), accessibility is the characteristic of the environment that allows all persons, regardless of sex, age or other characteristics such as size, strength, nationality, to have access to it and approach and use all infrastructure and services autonomously, safely and comfortably.
As it can be understood, access to basic goods and services is crucial for the safety and autonomy of a person and it is also a vital key to the participation of disabled people in society. To qualify as an accessible environment, diversity as well as individual needs must be taken into account.

Access determines the degree of independence of disabled people. Furthermore, it is important for equal opportunities in education, training, employment, security, social participation.

Particularly in relation to growth and employment, accessibility is important in order to: a) create value for building owners, who meet the requirements, b) expand the number of the customers dealing with a business and increase sales, c) attract new employees and retain the existing human resources, d) to reduce expenditure on social protection, e) to reduce insurance costs (2010: a Europe accessible for all, 2003: 8-9).

Designing for all is an important tool for accessibility. Designing from the beginning an infrastructure this way, there is no need for specific interventions/equipment that result in additional financial cost. This leads to a barrier free environment can enable the participation of people with disabilities in society (E.S.AmeA, 2005: 9-10).

- Employment policies:

It is very difficult to define employment policies in one term. They are related to the fields of economy, labour, and social policy. They aim at reducing unemployment and integrating inactive work force to the labour market.

Employment policies can be active and passive. Passive policies aim to counteract the consequences of unemployment, while active policies aim to treat the very reasons that lead to unemployment in the first place.

When we refer to labour market policies, we usually refer to public interventions aimed at efficient functioning of the labour market and the normalization of dysfunctions. The intervention involves the representation of state, employers, and workers.

According to the European Strategy of the European Union for Employment, the concept of employment policy includes all the micro-economic and social policies that affect the labour supply and demand, the
operation of the labour market and the organization of work within companies (Karamesini, 2011: 4).

The role of the employment policies relates to the following areas: a) Policies to address the effects of unemployment resulting from the development of technology, b) policies to address the impact of economic restructuring on employment, c) political interference for utilizing the unemployment variable in malfunctions resulting from the evolution of the business cycle (Dimoulas & Michalopoulou, 2008: 16).

- **Mainstreaming:**

The principle of mainstreaming aims to diffuse disability in all aspects of social, economic, and political life.

The issues related to disabled people, should be integrated in all kind of policies (by states and transnational associations), however this does not imply that specific policies which support disabled people shouldn’t remain. The general policies and specific policies should complement each other (E.S.AmeA, 2005: 10).

- **Employment:**

The notion of employment is associated with the forms and types of work, as well as with policies and programs designed and implemented by the State (Logaras, 2013: 2) and the international organizations. Finally, in Greek language the term is associated with paid work, as reflected in the official language of the state.

In English language it is associated with the action or the stage of a person’s employment. Moreover, it refers to a person’s situation such as a profession or an activity which keeps him/her busy for a specific time.

- **Labour:**

Work, as a concept, refers to the terms and conditions of a productive project (Logaras, 2013: 2). Labour shares many common aspects with employment, particularly in terms of the profession one carries out for financial reasons. Also, it expresses the disposal of resources to produce work, the daily work, and the project itself (Major Greek Dictionary).

The term connects human activity to a useful result, as well as the implementation of a project to a specific social framework. The concept of
work is also the total activity in relation to an object or a work unit (with reference to the economy and the production process).

In English language, labour is a productive activity with economic benefits and it is associated with intellectual or manual work. It also expresses the work to be done and the group of people who are engaged in work activity. Moreover, it is also connected with wage labour.

As it can be understood there is an overlap between the terms in various levels such as occupation, wage labour, or the overall activity. Both in Greek and in English, the term “labour” is a more specific term referring to daily work, tasks for financial reasons, employees, and the production process.

The term “labour” is the most specified term. Nevertheless, the official language of the Greek state and the European Union prefers to use the more general term of “employment” associated with the planning and implementation of policies.
A.2 Disability and employment in the European Union and Greece.

In this chapter the data applicable to disability and employment in the European Union and Greece will be examined. Emphasis will be given to Eurostat data, as well as those of the Academic Network of European Disability experts (ANED).

Following the terms and the theoretical framework, the aim is to assess the current situation at national and European level, before the analysis of policies for employment and training of disabled persons.

A.2.1 The situation in the EU

The following tables show Eurostat’s data from 2014. The information was gathered in the 2011 ad-hoc module of the EU Labour force survey (LFS-AHM). It examined population aged between 15 and 64 years and information comes from the European Union (EU) and its individual member states, while data for Iceland, Switzerland and Turkey are also available.

The survey results are based on two disability definitions:

- Definition 1: People having a basic activity difficulty (such as sight, hearing, walking, and communicating).

- Definition 2: People limited in work because of a longstanding health problem or an activity difficulty (LHPAD).

The unemployment rate of people aged between 15-64 years per country is presented in Table 1:
Table 1: Rates of unemployment among people aged 15-64 by country.

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<tr>
<th>Country</th>
<th>Definition 1: Having a basic activity difficulty</th>
<th>Definition 2: Having a work limitation caused by a LAHPAD</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU-28</td>
<td>Yes: 12.1</td>
<td>No: 9.6</td>
</tr>
<tr>
<td>BE</td>
<td>10.1</td>
<td>6.1</td>
</tr>
<tr>
<td>BG</td>
<td>14.3</td>
<td>11.2</td>
</tr>
<tr>
<td>CZ</td>
<td>15.7</td>
<td>6.3</td>
</tr>
<tr>
<td>DK</td>
<td>10.8</td>
<td>7.1</td>
</tr>
<tr>
<td>DE</td>
<td>12.2</td>
<td>6.4</td>
</tr>
<tr>
<td>EE</td>
<td>16.4</td>
<td>11.5</td>
</tr>
<tr>
<td>IE</td>
<td>17.9</td>
<td>14.8</td>
</tr>
<tr>
<td>EL</td>
<td>14.6</td>
<td>16.7</td>
</tr>
<tr>
<td>ES</td>
<td>23.3</td>
<td>21.9</td>
</tr>
<tr>
<td>FR</td>
<td>12.3</td>
<td>8.7</td>
</tr>
<tr>
<td>HR</td>
<td>16.3 u</td>
<td>13.6</td>
</tr>
<tr>
<td>IT</td>
<td>8.1</td>
<td>8.0</td>
</tr>
<tr>
<td>CY</td>
<td>10.2</td>
<td>7.2</td>
</tr>
<tr>
<td>LV</td>
<td>17.5</td>
<td>17.4</td>
</tr>
<tr>
<td>LT</td>
<td>23.6</td>
<td>15.1</td>
</tr>
<tr>
<td>LU</td>
<td>4.9</td>
<td>5.3</td>
</tr>
<tr>
<td>HU</td>
<td>19.4</td>
<td>10.3</td>
</tr>
<tr>
<td>MT</td>
<td>:</td>
<td>7.3</td>
</tr>
<tr>
<td>NL</td>
<td>8.6</td>
<td>4.1</td>
</tr>
<tr>
<td>AT</td>
<td>6.0</td>
<td>3.8</td>
</tr>
<tr>
<td>PL</td>
<td>11.5</td>
<td>9.4</td>
</tr>
<tr>
<td>PT</td>
<td>14.4</td>
<td>12.5</td>
</tr>
<tr>
<td>RO</td>
<td>8.1</td>
<td>7.5</td>
</tr>
<tr>
<td>SI</td>
<td>9.9</td>
<td>7.5</td>
</tr>
<tr>
<td>SK</td>
<td>19.0</td>
<td>12.9</td>
</tr>
<tr>
<td>FI</td>
<td>9.1</td>
<td>7.5</td>
</tr>
<tr>
<td>SE</td>
<td>9.6</td>
<td>7.3</td>
</tr>
<tr>
<td>UK</td>
<td>10.6</td>
<td>7.9</td>
</tr>
<tr>
<td>IS</td>
<td>9.8</td>
<td>8.2</td>
</tr>
<tr>
<td>CH</td>
<td>6.1</td>
<td>3.8</td>
</tr>
<tr>
<td>TR</td>
<td>7.5</td>
<td>8.9</td>
</tr>
</tbody>
</table>


Based on the first definition of disability: The table shows that the average unemployment rate in the 28 member states for disabled people was 12.1%, a difference of 2.5% to the one of people without disabilities. The highest unemployment rates among the member states among people with disabilities is presented in Latvia and Spain. In addition, the biggest difference between people with and without disabilities by country, is presented in Hungary and the Czech Republic.

Based on the second definition: The table shows that the average unemployment rate in the 28 member states was 17.4% for people with limited activity, with 9.4% difference from those who do not have a health problem. The highest percentages are presented again in Latvia and...
Spain, while the biggest differences between those with and those without health problem observed in Hungary and the Czech Republic, Germany, and Estonia.

The main reasons people with disability do not seek a job is presented in the following Table 2.

Table 2: Main reason for not seeking employment for inactive persons aged 15-64.

![Image](image_url)

The main reason for not seeking a job was stated to be the illness and disability itself, especially for the age group of 25-54. On the other hand, the main reason for unemployment for those without disabilities, was participation in education and training, and the second reason was the same for both, that is retirement. Other reasons for not seeking a job as presented in the table is the belief that there aren’t available jobs, as well as family and personal obligations, care of children and adults who need support.
The main reasons for leaving their last job for the unemployed between 15-64 years who had previous work experience, are listed in the following Table 3.

Table 3: Main reason for leaving last job for not employed persons aged 15-64 having a previous work experience.

Illness or disability were stated as the main reasons that the majority of disabled unemployed persons had left their work (30% in total). Also, the main cause between disabled and non-disabled, aged 15-34 was stated to be the limited duration of employment.

The percentages of people aged 15-64 who are employed part-time are presented in the following Table 4.
Table 4: Percentage of employed people aged 15-64 working part-time.

![Chart showing percentage of employed people aged 15-64 working part-time.](chart.png)


Overall, people with disabilities (definition 1) are more likely to work part-time compared to people without disabilities, with the figure for the former to be at 26% while for the latter 18%. For people with difficulties in activity (definition 2), the rate is 33% and is higher for the disabled (definition 1).

Also, there is valuable data in the report of ANED on disability for 2014. The network was established by the European Commission in 2008 in order to provide scientific support and advice on disability policies.

The data was obtained from EU data on income and living conditions (EU-SILC) of 2012 per country.

The sample did not include people living in institutions and the proxy which was used was the self-determination about “if for the last six months (someone) has had a limitation in activity due to health problem in daily activities he/she used to do”. More details on this report (ANED 2014), will be presented in the next section.
A.2.2 Greek data in comparison with the European Union.

Following the data mentioned above, data of ANED will be presented. Reference will be made to the report of the network for 2014, where data is accessed on the national level, also in relation with the data of the EU countries.

As it is stated in the report, regarding the issue of unemployment, there is no national data on disability and employment. There is relevant research from ELSTAT (2011) (Greek Statistic Authority), in which disability is approached in relation to employment. However, there are insufficient data at national level to measure disability and unemployment (ANED, 2014: 7).

In the following section, there is a comparison between Greek and EU data. At the beginning there is reference to the unemployment of persons with disabilities. Then the employment rate is presented as well as the activity rate. Finally, issues about education, as well as poverty and social exclusion, are presented, phenomena which are associated with disability and inadequate policies.

A.2.2.1 Unemployment

The data of unemployment in relation to gender and disability, in Greece and the European Union, are very interesting. In most surveys over time, unemployment in the general population is less than that of disabled persons and this fact does not change depending on gender or any age group.

The same remark applies as well to the figures of 2012, in the ANED (2014) report. The unemployment rate in Greece in relation to European Union’s is double (or greater) for people with or without disabilities (Table 7).

According to the report, the average unemployment rate for men with disabilities in Europe is 18.4%, while for non-disabled 11.3%. In Greece rates are around 35.8% for the former and 22.2% for the latter.

For women with disabilities the average unemployment in Europe stands at 17.8%, while for women without disabilities to 11.1%. In Greece the percentages ranging from 31.4 % for the former to 28.8 % for the latter.
It is really interesting the fact that the unemployment rate of disabled people in the EU, has little variation in relation to gender (0.6%). In Greece, men with disabilities have the highest unemployment rate (4.4%) than women. In the rest of the population in the EU the unemployed are not very diverse in gender (0.2%).

In Greece, the data differs, between men and women. Women face higher unemployment rate than men at 6.6%. Thus, it is notable that data is reversed in relation to sex and unemployment, showing men with disabilities to have a higher rate than women, as noted above.

Table 5: Unemployment rates in EU and Greece for persons between 20 and 64 years old.

<table>
<thead>
<tr>
<th>All</th>
<th>Disabled women</th>
<th>Disabled men</th>
<th>Non-disabled women</th>
<th>Non-disabled men</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU average</td>
<td>12,2</td>
<td>17,8</td>
<td>18,4</td>
<td>11,1</td>
</tr>
<tr>
<td>National average</td>
<td>25,8</td>
<td>31,4</td>
<td>35,8</td>
<td>28,8</td>
</tr>
</tbody>
</table>


Considering the variable of age (Table 8), in the EU young people with disabilities face higher unemployment rate and the same applies for the general population.

In Greece unemployment rates are three times higher than that in the EU, for the age group 16 to 24, more than double for those aged 25-34 and twice for age 35-44.

Also, there are significant differences between the unemployed people in the EU and Greece for other two age categories. The above applies for unemployed disabled persons, as well as for the general unemployed population. Therefore, the above data reflects an escalating situation and exclusion which takes place at national level. Reference to this will be presented at the third part of this module.
Table 6: Unemployment rates, by age group.

<table>
<thead>
<tr>
<th>Age Group</th>
<th>EU Average (disabled)</th>
<th>EU Average (all)</th>
<th>National Average (disabled)</th>
<th>National Average (all)</th>
</tr>
</thead>
<tbody>
<tr>
<td>age 16-24*</td>
<td>27,4</td>
<td>24,4</td>
<td>97</td>
<td>62,7</td>
</tr>
<tr>
<td>age 25-34</td>
<td>20,2</td>
<td>13,5</td>
<td>44,5</td>
<td>33,1</td>
</tr>
<tr>
<td>age 35-44</td>
<td>15,7</td>
<td>10,3</td>
<td>35,1</td>
<td>21,8</td>
</tr>
<tr>
<td>age 45-54</td>
<td>17,2</td>
<td>9,9</td>
<td>27,2</td>
<td>16,9</td>
</tr>
<tr>
<td>age 55-64</td>
<td>19,7</td>
<td>12,6</td>
<td>35,7</td>
<td>24,5</td>
</tr>
</tbody>
</table>


A.2.2.2 Employment and activity

The employment rate in the EU compared to the national level, differs for disabled people as well as the general population. In the EU, employment rates are significantly higher for all ages, as clearly shown in Table 9.

For ages from 16 to 24, the employment rate in Greece in relation to the EU average is dramatically smaller. The employment rate of disabled people is only 1.2% for this age.

The difference in employment rates between the national and the European for the next age group (25-34) is more than 15%, for the general population and for disabled persons. Significant differences exist in other age groups.
There is interesting data regarding the degree of economic activity in the EU and Greece. Economic activity is greater at European level (76.3%) than the national one (72.7%).

While between men with disabilities and men without disabilities, there are not significant differences on Greek and European standards, the same does not apply for women. There are significant differences in economic activity of Greek women with disabilities (37.9%) compared to the average rate of EU (53.8%).

Significantly lower activity for women in Greece, is presented for the rest of the population (66.1% nationally versus 73.3% in Europe).

Table 8: Economic activity rates for ages 20-64

<table>
<thead>
<tr>
<th>EU average (disabled)</th>
<th>EU average (all)</th>
<th>National (disabled)</th>
<th>National (all)</th>
</tr>
</thead>
<tbody>
<tr>
<td>age 16-24*</td>
<td>age 25-34</td>
<td>age 35-44</td>
<td>age 45-54</td>
</tr>
<tr>
<td>26,1</td>
<td>57</td>
<td>62,7</td>
<td>57,6</td>
</tr>
<tr>
<td>30</td>
<td>72,7</td>
<td>79,4</td>
<td>77,4</td>
</tr>
<tr>
<td>1,2</td>
<td>41,3</td>
<td>49,5</td>
<td>43,3</td>
</tr>
<tr>
<td>11,1</td>
<td>57,7</td>
<td>69</td>
<td>65,5</td>
</tr>
</tbody>
</table>

In relation to the activity per age group, significant variations occur. At European level, as age increases, so does the degree of activity, with disabled persons falling behind the general population.

Significantly, at national level it is observed that there are greater activity rates of disabled people compared to the general population, only for the age group from 16 to 24.

As age increases, it is observed that disabled people have increasingly lower activity rates over the general population.

Table 9: Degree of activity, by age group.

<table>
<thead>
<tr>
<th>Age Group</th>
<th>EU average (disabled)</th>
<th>EU average (all)</th>
<th>National (disabled)</th>
<th>National (all)</th>
</tr>
</thead>
<tbody>
<tr>
<td>16-24*</td>
<td>35.9</td>
<td>39.6</td>
<td>40.4</td>
<td>29.9</td>
</tr>
<tr>
<td>25-34</td>
<td>71.5</td>
<td>83.8</td>
<td>74.4</td>
<td>86.2</td>
</tr>
<tr>
<td>35-44</td>
<td>74.4</td>
<td>88.5</td>
<td>76.3</td>
<td>88.2</td>
</tr>
<tr>
<td>45-54</td>
<td>69.6</td>
<td>85.8</td>
<td>59.5</td>
<td>78.7</td>
</tr>
<tr>
<td>55-64</td>
<td>39.8</td>
<td>53.9</td>
<td>32.5</td>
<td>42.7</td>
</tr>
</tbody>
</table>


**A.2.2.3 Early school leavers, poverty, social exclusion**

Regarding the educational sector, it is noticeable that young people with disabilities have much probability to leave school at European level (21.8% vs. 10.3 other students), and at national level even higher (37.2%, compared to 6% of students without disabilities).

Considering the previous data it is noticeable that in this age, disabled persons have a high rate of early school leave, high activity rate (EU: 35.9% - Greece: 40.4%) and very high unemployment rates especially nationwide (EU: 27.4% - Greece: 97%).
Table 10: Early School leavers by age 18-24.

<table>
<thead>
<tr>
<th></th>
<th>EU28 average</th>
<th>National average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disabled young people (18-24)</td>
<td>21.8%</td>
<td>37.2%</td>
</tr>
<tr>
<td>Non-disabled (18-24)</td>
<td>10.3%</td>
<td>6.0%</td>
</tr>
<tr>
<td>All (aged 18-24)</td>
<td>11.2%</td>
<td>6.3%</td>
</tr>
<tr>
<td>Disabled young people (18-29)</td>
<td>22.2%</td>
<td>14.1%</td>
</tr>
<tr>
<td>Non-disabled (18-29)</td>
<td>11.2%</td>
<td>7.4%</td>
</tr>
<tr>
<td>All (aged 18-29)</td>
<td>12.1%</td>
<td>7.6%</td>
</tr>
</tbody>
</table>


Unemployment affects the level of poverty and social exclusion (Table 13). In the case of households of disabled persons in Greece, the data shows very significant risk of exclusion and risk, with the rate varying constantly above 35.5% for the period 2010-2012.

The corresponding percentage in the general population in Greece is between 25-35%, while at European level the average ranges from 22-24%.

The interesting feature in Greek data is that the risk of poverty rate for the general population has increased since 2010 and almost 10 percentage points within three years. Moreover, it is almost the same as the rate of households of disabled persons.
Table 11: Risk of household poverty in Greece, for the period 2010-2012.

<table>
<thead>
<tr>
<th></th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disabled (16+)</td>
<td>35.5</td>
<td>38.2</td>
<td>37.5</td>
</tr>
<tr>
<td>Non-disabled (16+)</td>
<td>25.9</td>
<td>29.5</td>
<td>34.2</td>
</tr>
<tr>
<td>EU average (all)</td>
<td>22.7</td>
<td>23.6</td>
<td>24.1</td>
</tr>
</tbody>
</table>

A.3 Policies and Practices

A.3.1 National employment policies

A.3.1.1 Law 2643/1998 on “Provision for the employment of special social groups and other clauses”.

The description of the law was approached in detail in the legislation section. In this section it is stated that the calls for job vacancies will be made annually, as reflected in Article 3 (for public sector and public and local entities) and in Article 2 (private and broader public sector). However, this has only been applied for the years 1998, 2002, 2004, 2008, and 2014.

Moreover, there were serious delays in jobs placements. These delays were settled in 2013, with the regulation 3253/20.12.2013“Designation of the process of the placements, of the successful personnel of compulsory and secondary education of Law 2643/1998”.

In detail:

“Article 1

Placements of people who are protected under the law 2643/1998, by calls of OAED Regional Directorates for the years 2004, 2008 and 2010, of secondary education class and compulsory education class, of all specializations in job placements in local authorities, may be employed to different services of public sector, in the same municipality, depending on the vacancies and their qualifications in accordance with the clauses of the following Articles."

The implementation of the law has proven to be very time-consuming. As it is already mentioned in previous chapters, OAED (Manpower Employment Organization) is the public organization responsible to issue such calls, for the assessment process and the placements.

ESAmeA. (National Confederation of Persons with Disability of Greece) has submitted a report to the Ministry of Interior and Administrative Reconstruction demanding the reform of Law 2643/1998 and proposing a new legislation about employment exclusively for the disabled people. Moreover, ESAmeA proposed changes at the procedure of the calls, demanding that calls should be held by ASEP (Supreme Council for Civil
Personnel Selection) and not from OAED (Manpower Employment Organization) in order to avoid delays.

Even though this is the first legislation to promote employment of socially vulnerable groups, there are some oppositions to it. This legislation is considered to be in contrast with the principle of non-discrimination as it can stigmatize the participants. Moreover, the obligatory quotas do not promote the integration of workers into the labour market.

In any case, it is also accepted by the supporters of legislation that solely the quotas do not promote sufficiently the employment of vulnerable groups. The legislation of quotas should be combined with other actions (The Greek Ombudsman, 2005).

A.3.1.2 Employment of educators with disabilities

In Article 2 of Law 3699/2008 "Special Education for persons with disabilities or special educational needs”, which regulates educational matters, there is specific reference to educators with disabilities. It prioritizes the placement of qualified educators with 67% disability or over, as well as parents of disabled children, in special education units and inclusion classes in mainstream education.

Moreover, the Article 8 of Law 4283/2014, regulates the recruitment of disabled educators in general education, which was a standing demand of the Greek disability movement.

In Article 8 it is stated that: “At the end of Article 9 of Law 3848/2010 'Enhancing the role of the educator – Establishment of rules for the evaluation and meritocracy in education and other clauses’ (A’ 71) the paragraph 15 is added as follows:

15. For the school year 2014-2015, people who are capable to educate in accordance to law 3528/2007 'Ratification of the Public Civil Status Code Administrative Employees and Public Entities Employees’ (A’ 26) and they have a disability at a rate of sixty-seven percent (67%) and above, which is certified by KE.P.A. Certification Centres of Disability, (which were established by the Law 3863/2010, A’ 115) and do not have mental disorders at any rate, can be hired as substitute teachers in General Education, to five per cent (5%) as a priority in each branch and specialization. This category of educators cannot be placed in more than fifteen percent (15%) per school. This paragraph came into force on 5/1/2015”.
The above article has created negative reactions from part of the Greek disability movement, because it limits up to 5% the placements of disabled educators from 10%, as it was initially agreed between the state and the movement. Also, it seems that the legislation only refers to the school year 2014-2015 with due date of 05/01/2015, which is when the school year ends, and finally, there was not a new call for disabled educators for the school year 2015-2016, since the legislation was interpreted by the administrative personnel of the ministry that is was only in power for the school year of 2014-2015 (Bulletin NS Press ESAmeA, 1953 / 07.17.2015).

A.3.1.3 Protected Productive Laboratories

An alternative form of employment is the Protected Productive Laboratories (PPL). The concept of sheltered employment varies in different states. There are countries where workers have the same rights as all workers, while in other countries the same does not apply.

In PPL, work is supported by specialized professionals and it is designed specifically to the skills of each employee. Their aim is to gain experience and skills in certain jobs that one can find in the labour market.

In Greece, the Law 1836/1989 (A’ 79/14.03.1989) "Promoting employment and vocational training and other clauses", enabled the establishment of Special Production Centres for disabled persons. Also, PPL schemes are mentioned in the Law 2646/1998 "Development of the National Social Care System and Other Clauses" where the structure of organization, management and operations were set. However, until now PPLs operate in the frame of carers and parents associations etc. (ESAmeA, 2014).

On the other hand, there are many critics of PPLs. The main arguments against PPLs are that workers are not paid salaries as it would happen in the labour market, the products are not competitive in the market, the marginalization of disabled people is thus enhanced and that many professional staff members confuse rehabilitation with productivity (ESAmeA, 2014).

A.3.1.4 Social economy

The definitions about social economy vary as well as the way that this has been implemented. A definition as proposed by Sophia Adam (2014: 13) is the following:
"The social economy is a large ‘family’ that includes a variety of practices, such as cooperatives, mutual societies, clubs / associations, charities and social enterprises”.

Social economy enterprises are considered to be the third sector of the economy and they exist among the private sector, the public sector and the society. They have a democratic form of management and operation, the priority is not profit maximization, while the aim is a social cause and a collective benefit.

In Greece, a first form of social economy was established by the Law 2716/1999 “Development and Modernisation of Mental Health Services and other Clauses” and in particular the Article 12 refers to the Social Cooperatives of Limited Liability (SCLL).

Such cooperatives aim at socio-economic integration of people with severe psychosocial disabilities. They are private entities with limited liability of their members, they can have commercial status, they are units of Mental Health Services and they are supervised by the Ministry of Health.

By 2014 there were about 14 SCLLs in the prefectures of Athens, Achaea, Dodecanese, Chios, Cephalonia, Zakynthos, Chania, Phocis, and Pieria (ESAmeA, 2014).

In 2011, by the Law 4019/2011 “Social Economy and Social Business and other clauses” the Social Cooperative Enterprises (SCE) were established as a new legal form of social enterprises in the country, which are divided in three different types:
- SCE of Integration,
- SCE of Social Care, and
- SCE of Collective and productive purpose.

Moreover, in the Law 4019/2011 terms such as social economy, collective purpose, integration, socially vulnerable groups, and social care are clarified. Employment of disabled people is mainly mentioned in the first form of SCE. According to the legislation, SCE of Integration aims at the integration in the economic and social life of people from socially vulnerable groups. In such SCEs, workers from socially vulnerable groups constitute at least 40% of the total number of workers.
Additionally, SCEs of Social Care aim at producing products and providing social welfare services to specific population groups, such as disabled people, people with chronic diseases, etc.

Furthermore, the Social Economy Fund was established, however it has not started operate yet. According to the latest statements of Deputy Minister the Fund will start operating in 2016. A significant part of the funds will come from the European Social Fund and it will incorporate all available financial tools and resources.

**A.3.1.5 Telework**

Given that disabled people face accessibility barriers, teleworking can be a form of work that promotes access to employment. Different kinds of teleworking, such as working from home, from hubs, etc. can apply to various professions. Main prerequisite is computer skills and knowledge of using new technologies (ESAmEA, 2014).

The European Trade Union Confederation (ETUC), the Union of Industrial and Employers' Confederations of Europe / the European Union of Crafts and Small and Medium-Sized Enterprises (UNICE/UEAPME), and the Centre of Enterprises with Public Participation (ECPE) have set a framework agreement on telework aimed at ensuring greater security for teleworkers employed in the EU. In Greece, this was implemented in 2006 and 2007 by the National General Collective Labour Agreement (PK 14/04.13.2006) (ESAmEA, 2014).

Moreover, by the Article 5 of the Law 386/2010 “Guarantees for occupational safety and other clauses” the conditions and the obligations of the employer were settled, when there is a change of normal work to telework.

“1. When, there is an employment contract for teleworking, the employer is obliged to deliver in writing to the employee, within eight (8) days, all the available information about the job and in particular the hierarchical connection of the company, detailed job duties, the salary, calculation working time, compensation of the costs caused by the job at home (telecommunications, equipment, device failures, etc.). If it is stated on the contract an agreement regarding the time response of the employee, the time limits and the time of response should be stated as well.

2. If there is a change from work for the office to telework, there must be an adjustment period of three (3) months, during which either party, after
keeping within fifteen (15) days, may terminate the telework and employee can return at work in a similar position to the one he/she possessed.

3. If telework is performed on a regular basis, the employer compensates or covers the costs directly caused by the work, in particular those relating to communication.

The employer provides the teleworker with an appropriate technical support facility, is responsible for maintaining the equipment as well as the costs of loss and damage of the equipment. This obligation applies to devices that belong to the employee, unless the contract or the employment relationship is defined differently. In the contract shall be defined the way of financial compensation by the employer of using his/hers remises as workplace. By collective labour agreements particular issues can be identified.

4. The employer, not later than two (2) months from signing the employment contract, has to inform in writing the teleworker about the person and the contact details of the representatives of the employees in the business”.

A.3.1.6 Protection of Social benefits

By the Article 13 of the Law 4331/2015 disability allowances can be maintained when people with disabilities participate in employment programs.

“People with Disabilities (PwD) who participate in training programs, enhancement of employment including self-employment and/or working in Social Cooperative Enterprises of Law 4019/2011 (SCE) and receive welfare benefits or reintegration allowances or any form of benefit, they can continue to receive them simultaneously and aggregately with the compensation of their participation in such programs and/or their salary from social cooperative enterprises”.

A.3.1.7 National Strategic Framework for Social Inclusion

The National Strategy for Social Inclusion was adopted in December 2014. This sets out the priorities of the Greek state for the strengthening the welfare state during economic crisis period. It includes reforms in prevention policies and priorities to combat poverty and social exclusion.
The National Strategy for Social Inclusion which is published by the Ministry of Labour, Social Insurance and Welfare aims to:

- "Set a common framework of principles, priorities and measurable targets aiming at the coordination, monitoring and evaluation of all interventions to compact poverty, social exclusion on national, regional and local level.
- Set priorities reform of social welfare system in line with EU 2020 targets.
- Define areas of public – private partnerships aiming at the effective and targeted mobilization of all available resources.
- Set the areas of effective use of resources from the Community Support Framework 2014 – 2020”.

The National Strategy for Social Inclusion sets the main key target groups which are individuals and families threatened or being trapped in poverty and social exclusion.

The three main categories of beneficiaries of the framework are:

- People living in extreme poverty conditions.
- Children aged 0-17 years in socially exclusion.
- People in increased risks of poverty and social exclusion.

In the third category there is a special reference to disabled persons.

Also, regarding employment, in the Priority 3.2 “Access to activation services for the unemployed” (page 71), there is a specific reference to disabled people in as a target group and it sets this target group in high priority.

The policies measures are reported to be followed in this priority are:

- Measure 3.2.1 – Access to non-formal education and learning for vulnerable groups of unemployed.
- Measure 3.2.2 – Access to programs of active labour market policies for vulnerable groups of unemployed.
- Measure 3.2.3 – Access to programs promoting Social Entrepreneurship for vulnerable groups of unemployed.

Regarding measure 3.2.2 the Ministry intends to provide a series of actions including:

- Local actions of counselling and training programs.
- Funding programs for new job placements.
- Internships and work experience programs.
- Community Work Programs.
• Programs to create New Enterprises, self-employed and freelancers (page 72).

Regarding the Measure 3.2.3, the Ministry aims to develop an “ecosystem” of Social Economy and Social Entrepreneurship, which will include:

• Motivations, benefits and tools for establishing or participation of vulnerable groups in social cooperative entities.
• The establishment of National Agency Microcredit.
• The establishment of National Centre of Social Innovation and Social Entrepreneurship.
• Networks between financial institutions and social entrepreneurship entities.
• Development of Procurement policies Social Reporting.
• To raise awareness about the benefits of social entrepreneurship (page 74).

A.3.2 Programmes and activities in Greece

In this section the programs implemented by Greek Manpower Employment Organization (OAED) in relation to employment and entrepreneurship of disabled persons will be presented. A brief reference will be made to the Community/Welfare Work. Finally, Local Actions of Social Integration for Socially Vulnerable Groups (Top.EKO), which were operated under the National Strategic Reference Framework (ESPA NSRF) 2007-2013 will be presented.

A.3.2.1 Programmes of OAED

The main organization in charge for planning and implementation of employment programs and employment programs of socially vulnerable groups, is the Greek Manpower Employment Organization (OAED), which is supervised by the Ministry of Labour, Social Security and Welfare.

The organization aims to prevent and combat social exclusion, through the integration of socially vulnerable groups in the labour market. Barriers to it seems to be, the lack of qualifications and skills, insufficient inclusion in education, impairments, institutionalization, drug addiction, stigma and prejudices and insufficient connection with the wider environment (OAED,”measures for Special Social Groups”).

OAED provides services such as counselling, vocational guidance, training, and job placements for socially vulnerable social groups.
Services and programs are provided by the Special Services, in six regional offices in Greece, by employment offices, and by vocational training schools for disabled people.

Social actions are implemented in cooperation with public and private sector, which provide support to socially vulnerable groups. Furthermore, the organization participates in international networks in order to updated and increase its services.

OAED takes actions for the employment of individuals of socially vulnerable groups, among which are disabled people. These include Programs for Young Employers and Young Freelancers. The community work program may also be of interest for disabled persons. These three actions are presented below, along with other measures taken by the organization.

- **Employer assistance program with a grant to recruit people from socially vulnerable groups:**

Companies are subsidized to hire unemployed people both from the general population and from socially vulnerable groups.

In these programs, there is a preparation and an adaptation period planned for the person entering the labour arena who wants to become employee. For smooth integration into the company, an additional subsidy to the employer has been introduced, in order to finance the new employee’s training period.

For vulnerable groups, there are specialized employers’ grant programs:

Firstly, there is a three-year funded program for full time employment, but the employer has the obligation to maintain the relevant job for at least 10 more months without grant.

Moreover, there is a similar three-year program for part time jobs for socially vulnerable groups. Also, a program with fix-term contact to work in local authorities’ services and municipal enterprises. Finally, there is a grant program for fixed-term part-time jobs for people with mental disabilities.

The strengths and the flexibility of the program are offset by significant failures particularly in relation to the continuation of work and grants finance: “The positive evaluation of subsidized new jobs is overthrown by
the way they are used by municipal enterprises and municipalities of the country, who have employed a large number of people with disabilities without having first secured the necessary funding for their salaries” (ESAmeA, 2008: 156).

A special three-year program for socially vulnerable groups, among which disabled persons were included, was funded by NSRF Operational Plan. The implementation period was extending from 2010 to 2015.

A key action was a grant for employers to employ 2,300 unemployed persons with disabilities, ex drug addicts, ex-prisoners, or young people at social risk [Joint Ministerial Decision (JMD) 20537/752/18-10-2010 (OGG 1663/B’/19-10-2010)].

Employers were receiving grants for a part of wage costs and social security contributions. Priority was given to private enterprises employing fewer than 50 employees. Thus, new jobs were created for people from socially vulnerable groups and small businesses were supported.

The forms of business that could participate in the program were the following:

a) Private companies.
b) Cooperatives.
c) Unions.
d) Civil Companies, non-profit.
e) Social Cooperatives.
f) Joint ventures.
g) Generally employers in the private sector.

Businesses and organizations referred above should not have reduced their staff during the previous six months, for reasons such as firing or voluntary retirement which is initiated by the employer, mainly by financial incentive programs.

The majority of jobs placements (2,200) were full-time and the rest were part-time. The target group was people of age between 18 to 64 years old. The duration of the subsidy was three years, while businesses were bound to maintain the person/s who were hired for one more year.

The beneficiaries were unemployed people who had unemployment card by OAED and had to have Greek nationality or be citizens of another member state of EU. Moreover, they should have complete individualized intervention and individual action plan.
Finally, disabled persons who wanted to participate in the program should have been assessed and certified by KEPA for their disability which should rate over 50% and indicate that the person is “incapable of any gainful work” (Development Partnership Eastern Thessaloniki, 2014).

- **Grant for self-employed people from socially vulnerable groups:**

The program for self-employed people lasted two years. The aim was to create jobs placements as well as to provide an opportunity to beneficiaries to develop their special skills and competences relating to entrepreneurship.

Beneficiaries were disabled persons, ex-prisoners, and ex drug addicts (OAED, self-employment programs - Freelance).

Programs related to entrepreneurship are of particular importance for disabled persons. Through entrepreneurship they can show special skills and abilities, and to deal with something that it is in their interest. There may be flexibility in working conditions, as well as requirements for ergonomic adaptation of the workplace.

The employment opportunities of other disabled persons increase when the employer is a disabled person. The successful activity can become a model for other disabled people, so that those in turn to take similar action in the future (ESAmeA, 2008: 157).

- **Other actions:**

The OAED takes actions with another set of programs and services:

a) The ergonomic layout program:

Disabled persons are facilitated by this program either as self-employed or as employees by ergonomic rearrangement of the workplace. In this case expenditure is financed up to 90% of the total cost.

Specifically, the funding program was implemented by OAED for 50 job placements. The target was to remove the barriers from the workplace, as well as strengthening the new self-employed people for adaptation in the workplace.
As above, those who could participate in the program were: a) Private companies, b) Cooperatives c) Unions, d) Civil Companies, non-profit, e) Social Cooperatives, f) Joint ventures, and g) all employers of private sector.

In order to get this funding, companies and organizations should have employed unemployed people by the three-year funding program of 2,300 jobs placements as it was mentioned above.

The amount of the grant was 2,500 euros and the OAED funded the 90% of the total expenditure. The expenditures were related to adapting assistive technology facilities, adaptation of the workplace, accessible equipment, accessible software for disabled persons, etc.

It should be noted that in some of the active programs of OAED there seems to be a “conventional” approach, as most of the programs are continuations of previous ones which have been adapted in order to include more beneficiaries, even though they still seem to have small coverage of vulnerable groups (Ziomas, Bouzas, & Spyropoulou, 2012: 17-18).

Furthermore, it should be noted that the program of 2,300 people was still active in 2015, having not absorbed its budget six years after its beginning.

b) The Employment Programs with funding by the European Social Fund (ESF):

By training and employment socially vulnerable groups are led to labour market as employees or self-employed.

c) Support Services and Psychosocial Supportive services:

This program includes training, empowerment, counselling, psychological support, in order to prepare beneficiaries for integration to the labour market, as well as the networking between unemployed people and companies. These goals are achieved by individual and group sessions as well as by informing, approaching, networking and raising awareness among employers.
- Community work:

Due to the economic crisis in Greece and the high rates of unemployment, the state was prompted to take actions and adopt targeted projects. Such project is the “Community Work Program”. This program is implemented by OAED and people from socially vulnerable groups are awarded with more points due to their impairments. Regarding disabled persons there wasn’t a specialized project exclusively for them. However, it awards points to individuals who are registered in OAED and they have a disability of 50% rate, as well as parents with disabled children whose disability rates above 67% or more.

Such programs which were implemented in the last year (2014-5), aimed at improving the economic situation of the unemployed people, to support socially vulnerable groups and support social needs.

The program offered full-time jobs for five months, providing the opportunity for many groups of unemployed to enter the labour market.

The short duration of the program did not allow the participants to continue their work after the end of that period, to further feel the sense of contribution and to “build” their professional identity.

A.3.2.2. TopEKO

The Local actions for socially vulnerable groups (TopEKO) are integrated in the Operation Program “Development of Human Resources 2007-2013”, which is part of the National Strategic Reference Framework (NSRF). Managing authority of the TopEKO is the “Special Service for Social Inclusion and Social Economy”.

The aim of the Local actions for socially vulnerable groups (TOPEKO) is to mobilize local actors to create jobs for unemployed belonging to socially vulnerable groups.

TopEKO are implemented locally by Development Partnerships (DPs), which operate as non-profit organizations, with the participation of public and private actors which are subsidized by the Greek Program of Public Investments.
Such programs aim to support and empower unemployed people in order to:

- start a business that will benefit from the characteristics of their area,
- gain the qualifications to benefit from other investment programs, and
- acquire skills that will meet real and identified needs of local businesses that will hire them (Logaras, 2013: 46).

Specifically, being a program for social integration of socially vulnerable groups, TopEKO was implemented in the previous part of the National Strategic Reference Framework NSRF and involved the recruitment of 10,000 beneficiaries.

Private businesses, companies and all the private sector who had not decreased their staff during the last three months could have participated in the program. Companies such as nightclubs, cleaning and storage services firms, marketing companies and service providers by phone, seasonal companies for their seasonal staff, bus companies, associations, and unions that are not economically active could not have participated in the program.

Funding covered part of wages costs, which was estimated by the daily cost and was differentiated by age. For people under 25 years old, the amount of subsidized daily cost was 15 euros while for people over 25 years old 18 euros.

The duration of the subsidy was four months for 25 work days per month and it was paid bimonthly.

A brief comment on the operation programs for disability and employment was summarized by Dimitrios Logaras. He emphasized that this type of actions can promote the integration of people with disabilities, as far there isn’t any cuts in disability allowances during the working period. Also, to increase the participation of employers, more benefits should be provided to them (e.g. bigger cover of insurance contributions, etc.) compared to programs targeting the general population. Finally, the synergy between programs and individual actions is necessary, in order to gain more benefits and multiple results (Logaras, 2013: 46).
A.3.2.3 Report of the Academic Network of European Disability experts (ANED, 2014)

The report assesses the policies, with a reference to employment, education, poverty, and social inclusion, as well as to the synergy between different fields. In the employment sector, it is mentioned that the Action Plan 2013-2015 does not include special programs for the disabled or other vulnerable social groups, but there are announcements for programs that include disabled people.

The nonexistence of a national policy framework, which is the purpose of disability movement, is recognized as a major barrier. The framework would determine the guidelines and the objectives for increasing participation of disabled people in mainstream active labour policies (Strati, 2014: 17).

In education, reference is made to the “New School” strategic framework of the Ministry of Education. This framework includes measures for the goal of reducing early school leaving, interlinking with employment, and enhancing and matching skills and labour market needs.

An important element is the establishment of the Committee for the harmonization of national legislation with the United Nations Convention on the Rights of Persons with Disabilities. Also, a good practice is the production of accessible material, the application of the certification procedure for the sign language, and the production of annual evaluations for educational integration interventions (Strati, 2014: 18).

As far as the preparation of the new programming period 2014-2020 is concerned, the text refers to the fact that 20% of European Social Fund will be spent on tackling poverty through social inclusion. The issue of disability is included in this goal, which is incorporate simultaneously actions for training and employment.

The main actions addressed to disability, concern the following fields:

a) Access to employment.

b) “Investment” in education and training, by broadening access and reducing school early school leaving.

c) Promotion of Social Integration and Combating Poverty and Discrimination (Strati, 2014: 24-5).
The text concludes with proposals in order to *fill the gaps in Policy and Practice*, in the aforementioned fields of Employment, Education / Training, Social Inclusion.

About employment there are the following proposals: 
a) The production of updated statistics and data on employment and disability, to connect the gap between planned policies and measures, as well as to increase the ability to detect and to measure progress in relation to employment goals of a particular social group.
b) To include the dimension of disability in objectives and measures for the National Action Plans on Employment.
c) To increase the participation of disabled people, through Invitations for Social Entrepreneurship and Employment (Strati, 2014: 26).

Finally, the across thematic priorities reflected in the ANED text for Greece, are the following:
1) When discussing measures for vulnerable social groups, to make explicit reference to disability.
2) The guiding principles for the planned actions to be financed under the Regulation 1303/2013 of the European Union, should include accessibility issues.
3) Actions that affect the general population, should incorporate the principle of non-discrimination on grounds of disability (Strati, 2014: 27).

**A.3.3 European Policies for Employment and Disability**

**A.3.3.1 The roots of the European Social Charter and the Social Rights**


The models for the approach of disability can be traced back to the policies and legislations. The stances of the states, the European Union and International Organizations, are typical cases in this matter. There are different ways to deal with disability and these differentiations emerged the last three decades. In this path, a shift from the Medical Model to the social perception of disability is obvious.
The idea of integrating the disabled people and breaking the barriers, was promoted since 1993\(^5\). The United Nations resolution exhorts to this direction, even though it is not binding (Logaras, 2013: 26). Nevertheless, it was the first step towards the social model of disability.

The *Community Charter of Fundamental Social Rights of Workers* (1989) is an important agreement for the fundamental human rights. In the *Charter*, a reference is made to disabled persons, whatever the origin and the nature of the disability. In this case, these must be concrete measures that aim to the improvement of the social and occupational integration (Logaras, 2013: 60).

As it is mentioned in the Article 26: the occupational integration should be promoted with specific benefits: vocational training, ergonomics, accessibility, mobility, and means of transport and housing\(^6\).

The approach of the European Community was affected by the medical model of disability, until the mid-1990s. According to this model, the employment of persons with disability focuses on the rehabilitation, the training, the allowances... *for those individuals who are characterized as unable to work* (ESAmEa, 2005: 22).

**A.3.3.2 European legislation and policies**

Steps towards the recognition of the social model in the European Community, were made in 1996. In that year, both the European Commission and the European Council were directed towards a total and integrated policy on disability.

The Commission adopted a communication on “Equal opportunities for people with disabilities”. The decision of the General Assembly of the United Nations “The Standard Rules on the Equalization of Opportunities for Persons with Disabilities” is an inspiring point for this communication. It is based on the social model and satisfies demands of disabled people (ESAmEa, 2005: 23).

The European Council was bound to the text of the United Nations, in the same year. In its Resolution on “Equal Opportunities for People with Disabilities”, is expressed the commitment to the equality of opportunities and the elimination of negative discrimination (ESAmEa, 2005: 23). The

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\(^5\) For further information, see: 48/96, “Standard Rules on the Equalization of Opportunities for Persons with Disabilities”.

\(^6\) Community Charter of Fundamental Social Rights of Workers (1989).
value of both texts of the European Community lies not in their binding nature, but in the fact that they opened up new ways for designing and implementing new directions in policies on disability and employment.

In the same year (1996) a revised version of the European Social Charter was created. This text refers to the rights of disabled persons to independent living, inclusion and participation in community life. The European Charter referred to the prohibition of all forms of discrimination. This included discrimination on grounds of disability and sexual characteristics. The text addresses issues that go beyond the matter of employment and its impact is particularly important (ESAmEA, 2005: 29).

Moreover, the Contracting Parties undertake the promotion of access of disabled persons in employment, by encouraging employers to recruit and retain people in working environment. Reference is made to the adjustment of working conditions and the creation of sheltered employment in accordance to the severity of the disability (Logaras, 2013: 60).

The most significant change for the support of disabled persons in the European Community was taken with the Amsterdam Treaty (1997). For the first time a Treaty refers to disability and non-discrimination. Furthermore, the Article 6a allows action to battle against discrimination based on sex, race, ethnicity, religion, belief, disability, age, and sexual orientation (Article 6a; ESAmeA 2005: 24). As it is stated in the Treaty (Article 22), “in drawing up measures under Article 100a of the Treaty establishing the European Community, the institutions of the Community shall take account of the needs of persons with a disability”.


The Directive 2000/78/EC aims to provide a general framework, so that there will be an equal treatment in employment and labour. At the same time it affects the national legislation in Greece and particularly the Law 3304/2005. The Directive imposes sanctions and thus differs from the Amsterdam Treaty (Logaras, 2013: 61).

The positive contribution of the Directive is that it defines and prohibits direct and indirect discrimination. At the same time it defines harassment
as a type of discrimination. The application of the text has a broad scope as it:

- concerns both the public and the private sector (Article 3, paragraph 1),
- refers to the conditions of access to employment, self-employment and labour, including selection criteria and recruitment conditions, whatever the occupational branch and at all levels of the professional hierarchy, including promotion (Article 3, Paragraph 1),
- regards terms of access to all types and all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience (Article 3, Paragraph 1),
- refers to working conditions and terms of employment, including dismissals and pay (Article 3, Paragraph 1), and
- regards the membership and involvement in an organization of workers or employers, or any organization whose members carry on a particular profession, including the benefits provided by these organizations (Article 3, Paragraph 1) (Logaras, 2013: 63).

In the Article 5, reasonable accommodation for disabled persons is required (ESAmeA, 2005: 24). This is provided to give disabled persons access to jobs and education, as well as to exercise their professions. The reasonable accommodation shall be provided, unless such measures would impose a disproportionate burden on the employer, which may of course be supported by measures under the disability policy of the member state.

The Directive has a considerable deficit: Establishes the principle of equal treatment only as regards employment and occupation and does not penetrate all areas of social life in which persons with disabilities suffer discrimination and face obstacles, which hinder their integration into work (e.g. barriers to education, in public transport, etc.) (Logaras, 2013: 64).

Before moving on to the strategies of the 2010-2020, reference will be made to the Charter of Fundamental Rights of the European Union (2000). In this text there are interesting references to disability.

The European Community action plan aims to strengthen the economic and social cohesion of the enlarged European Union in order to promote the harmonious, balanced and sustainable development of the Community (Article 3, Council Regulation (EC) No. 1083/2006).
Indeed, the Community priority is sustainable development, by strengthening growth, competitiveness, employment and social inclusion and by protecting and improving the quality of the environment (Article 3, Council Regulation (EC) No. 1083/2006).

It is also specified that the Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community (Article 26, Charter of Fundamental Rights of the European Union). Furthermore, the European Union and its member states are bound to the signature of the contract, to create a barrier-free Europe. It is worth mentioning that the Article 21 prohibits discrimination, including the one that is based on the ground of disability.

Finally, the Regulation (EC) 1083/2006 is of particular interest. As it is specified in Article 16 of this text:

*The Member States and the Commission shall take appropriate steps to prevent any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the various stages of implementation of the Funds and, in particular, in the access to them. In particular, accessibility for disabled persons shall be one of the criteria to be observed in defining operations co-financed by the Funds and to be taken into account during the various stages of implementation.*

**A.3.3.3. European Disability Strategy 2010-2020**

The Lisbon Strategy did not generate the expected outcomes, so the European Union formed the Strategy *Europe 2020*.

The Union has set major goals for 2020.

1) To grow the employment of the population aged 20-64 (at least at 75%).
2) Increase the level of investment.
3) Objectives that have to do with *climate / energy targets should be met (including an increase to 30% of emissions reduction if the conditions are right).*
4) Reduction of the rate of early school leavers.
5) Tackling poverty and social exclusion.

There are economic policy guidelines on the implementation of the Strategy. In parallel, Member States are required to convert the "Europe
2020” objectives into national targets. The progress of work is monitored by the European Commission.

Of particular interest to this report is the European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe. In the European Union 80 million people are often prevented from taking part fully in society and the economy because of environmental and attitudinal barriers. Disabled persons have a 70% higher rate of poverty.

The main objective of this Strategy is the participation of those affected: "The overall aim of this Strategy is to empower people with disabilities so that they can enjoy their full rights, and benefit fully from participating in society and in the European economy, notably through the Single market”.

Key areas for action until 2020 related to accessibility are the following: participation, equality, employment, education and training, social protection, and the health and external action of disabled persons.

Particularly in employment, reference is made to the following:

"EU action will support and supplement national efforts to: analyse the labour market situation of people with disabilities; fight those disability benefit cultures and traps that discourage them from entering the labour market; help their integration in the labour market making use of the European Social Fund (ESF); develop active labour market policies; make workplaces more accessible; develop services for job placement, support structures and on-the-job training; promote use of the General Block Exemption Regulation which allows the granting of state aid without prior notification to the Commission”.

The implementation of the Strategy will be carried out by general aims such as:
1) awareness-raising,
2) funding,
3) research,
4) statistics and data collection, as well as
5) the mechanisms required for the support of the agreement.

Related to the “mechanisms” there will be key points, coordination mechanism, independent mechanism and involvement of disabled persons and their organizations. These will be developed in two levels: a)
member states, and b) in a wide range of EU policies, and within EU institutions.
Part B: Legislation and framework
B.1 International Institutional Framework

B.1.1 Universal Declaration of Human Rights

The Universal Declaration of Human Rights was adopted in 1948 by the General Assembly of the United Nations and has assumed by now the character of a quasi-international Constitution of 30 articles on the protection of civil, political, social rights and obligations of all people across the length and breadth of the world, without distinction of any kind. The Universal Declaration is, as says the preamble “the common ideal to which all people and all nations should be directed”. The fact that there is no sanction nor a procedure for any breach of the assigned to it does not mean it lacks legal binding. It is widely supported that it has become customary international law and some articles, such as the Article 2 against discrimination, are an integral part of the member - states internal legal orders.

There are three provisions that stir the interest towards the rights of disabled people. The provision of the Article 2 of the Declaration displays general terms and enshrines the principle of non-discrimination. The specific provision of the Article 7 affirms the equality of all before the law and the law against all, while the Article 23 focuses on the equality of all in the working frame.

B.1.2 International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights was adopted by the General Assembly of the United Nations in 1966 and was ratified by the Greek Law 2462/1997, along with the first and second Optional Protocol. Among the rights guaranteed one meets rights related to the employment situation of people with disabilities, especially in the Articles 7 (Torture prohibition and cruel, inhuman or degrading treatment prohibition), 8 (Prohibition of forced labour), 17 (Protection of honour and reputation), and 22 (Protection of freedom of association). The enjoyment of all these rights is in fact equally guaranteed to all, as defined in the Article 2, resulting to the ICCPR contributing to the equal promotion of employment of workforce with disabilities.

B.1.3 International Covenant on Economic, Social and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights is the twin Treaty of the International Covenant on Civil and Political Rights. Its
purposes is to protect second-generation rights, which aim to ensure the ideal of a life free of fear and misery. It has been ratified by over 150 countries, with the confirmatory law in Greece being the Law 1532/1985.

The basic premise of the Covenant, which is recorded in the Second Part of it, in the Article 2§2, is that “the rights contained therein will be exercised without any discrimination of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. The states undertake the corresponding guarantee obligation and, thus, the principle of non-discrimination enters into a binding legal framework. Regarding the labour and employment field in particular, the relevant settings are found mostly in the Articles 6-9 and 15 of the Covenant, which enshrine the right to decent work, so that every person choosing to work can identify themselves socially and serve autonomously their needs.

**B.1.4 Declaration on the Rights of People with Disabilities**

As part of further development and consolidation of the welfare state and the protection of social rights, the UN General Assembly announced on 1975 the Declaration of Rights of People with Disabilities, which is a consequence of the UN Member States’ commitment to take action in order to ameliorate the quality of life of the disabled. As far as the workplace is concerned, we should take notice of the following provisions:

- “Article 2. Disabled persons shall enjoy all the rights displayed in this Declaration. These rights will be recognized to all disabled persons without any exception and without discrimination due to religious, political or other opinions, national or social origin, economic status, birth or any other condition relating to the disabled person himself or his family”.
- “Article 10. Disabled persons shall be protected from any exploitation as well as regulation or treatment of discriminatory, abusive or degrading nature”.

Those articles enshrine the principle of non-discrimination and equal treatment of disabled persons, which refer not only to the rights guaranteed by the Convention (Article 1), but also to all their rights (Article 10).

- “Article 3. Disabled persons enjoy the hereditary right to respect for human dignity. Disabled persons, whatever the origin, nature and severity of their handicaps and disabilities, have the same fundamental rights as their fellow citizens of the same age, which
entails first and foremost the right to enjoy a decent life as normal and full as possible”.

- “Article 5. Disabled people are entitled to the measures designed to serve their becoming as self-reliant as possible.

- Article 6. Disabled persons have the right to medical, psychological and functional treatment, including prosthetic and assistive devices, to medical and social rehabilitation, to education, vocational training and rehabilitation, to help, advice, placement to employment and other services that will enable them to develop their capabilities and skills to the maximum level and will hasten the process of their social integration or reintegration.

- Article 7. Disabled persons have the right to economical and social insurance and a decent standard of living. They have the right, according to their capabilities, to secure and retain employment or to become involved with a profession that is rewarded, useful and productive, and to participate in trade unions.

- Article 8. Disabled people have the right for their special needs to be taken into account at all levels of economical and social planning” (early reference to the concept of “mainstreaming”).

The provisions of these articles can be used in vocational rehabilitation of disabled persons. They proclaim their right to normal life through work and demand that this work is adapted to their needs and is characterized by the same benefits that apply to the rest of the working population.

- “Article 11. Disabled people can receive legal assistance when such assistance is deemed necessary for the protection of them and their property. If legal proceedings are laid against them, the legal procedure to be followed will take full account of their physical and mental condition.

- Article 12. For any question relating to the rights of disabled people it is useful to ask their organizations”.

These two provisions can be used to define the supportive role of disability organizations and government bodies. Indicatively:

1. The last supplementary Protocol to the European Social Charter (1995) recognized at international and national NGOs the possibility of collective action before the European Committee of Social Rights in their capacity as Council’s of Europe partner.

2. Directive 2000/78 of the European Union (Article 9) and the Greek Law 3304/2005 that incorporates it (Article 13) recognized the possibility for organizations having a legitimate interest against discrimination to support victims of such discrimination in legal / administrative procedures.
3. Law 2430/1996 establishes a Commission (National Confederation of Persons with Disabilities) officially holding the position of social partner in issues related directly or indirectly to disabled people, participating in decision-making centres and representing disabled persons in the dialogue with the Greek State.

4. Law 3996/2011 makes extensive reference to the audit and advisory – auxiliary role of LIB concerning the application of the relative to disabled persons’ labour legislation.

**B.1.5 SUNDBERG Declaration for People with Disabilities**

The legislation for disabled persons at an international level includes the Declaration of SUNDBERG, which is the final document of the International Conference of UNESCO and the Spanish Government in 1981. Bearing in mind the Universal Declaration on Human Rights (UN, 1948), the Convention on the Elimination of all forms of Discrimination against Women (UN, 1979), the Convention on the Rights of the Child (UN, 1989), the Declaration of the Rights of Disabled People (UN, 1975), and the Declaration of the Rights of Intellectual Retarded People (UN, 1971), this Declaration adopts the principles of participation, inclusion, personal development and interdisciplinary orientation of disabled persons, as well as decentralization. The main articles concerning the employment of disabled persons are 1, 3, 4, 5, 6, 8, 11 and 14. The general spirit is to ensure the possibility of active participation of disabled persons in social life and in this context to ensure their right to work. The state is obliged to serve this objective by appropriately organizing their educational system, adequately supporting their families, so that they can perform their helping role, and, of course, by providing all the necessary means in order for them to exercise their professional capabilities, with the realization of all the necessary beneficial and adjustment measures.

**B.1.6 United Nations Standard Rules**

The UN Standard Rules were drafted in 1993 and standardize a broad framework of recommendations to members of the Organization regarding the protection of people with disabilities. They aim at promoting international principles and customary character rules for the equalization of opportunities, seeking the moral and political commitment of states to implement them. As a result, they correspond to an important technical tool which supports national social policy makers in the implementation of the disabled persons protection programs.
By the Law 2430/1996, Greece adopted the World Program of Action and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities of the UN. The law predicted the establishment of a Commission (National Confederation of People with Disabilities) which officially holds the position of social partner on issues relating directly or indirectly to disabled persons, participates in decision-making centres, represents disabled people in the dialogue with the Greek state and subjects each year to the President of the Republic on the implementation of UN rules.

**B.1.7 United Nations Convention on the Rights of People with Disabilities**

The UN Convention on the Rights of People with Disabilities is the first legally binding human rights convention specifically aimed at disabled people. The binding nature that surrounds it is its basic difference from the UN Standard Rules on the Equalization of Opportunities for People with Disabilities. It is also the first human rights convention that is open for signature by regional integration organizations (see Article 44). It was signed by the UN General Assembly on December 13, 2006 and was opened for signature/ratification on March 30, 2007 (it entered into force on 3 May 2008). The European Commission signed the Convention on March 30, 2007 on behalf of the EU and ratified it on December 23, 2010 (the procedure was typically completed on January 2011). A total of 141 states have already ratified the Convention and 79 States have also ratified the Optional Protocol to it. Greece ratified the Convention and the Optional Protocol by the Law 4074/2012 (OGG 88/11.04.2012).

**A. Purpose and Principles:**

As stated in the Article 1, the purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all disabled people and to promote respect for their inherent dignity. The general principles of the Convention are found in the Article 3 and include dignity, autonomy, freedom of choice, full and effective participation, respect for diversity, equal opportunities, and accessibility. The provisions of the Article 19 of the Convention, which guarantee the right to independent living and inclusion in society are also important. The Article 19 includes the following: “States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with
disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

a. Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;

b. Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;

c. Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs”.

It appears useful to mention the provision of the Article 5 on the obligation of the state to make all the necessary “reasonable adjustments” to ensure the goal of equalization of all members of society, without these measures constituting discrimination in favour of the disabled. In particular, it is stated that: “In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided” (§3) and that “Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention” (§4). This observation is particularly important for the workplace, considering the range and variety of positive measures and reasonable adjustments taking place there under the law.

B. Member-States Obligations:

The main obligations undertaken by Member-States under the Convention and which may be used in the field of equal treatment of the disabled in the workplace are in the Articles 4, 8, 9, and 26.

i. Article 4 “General obligations”:

The settings that stir the interest are found in paragraphs one (1) and three (3). According to the first, member-states have to take into account the protection and promotion of the human rights of disabled people in all policies and programs (§1c) and take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise (§1e). Moreover, they are obliged to undertake or promote research and development of universally designed goods, services, equipment, and facilities, as defined in the Article 2 of the
present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a disabled person, to promote their availability and use, and to promote universal design in the development of standards and guidelines (§1f), to undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost (§1g), to provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities (§1h), and finally to promote the training of professionals and staff working with disabled people in the rights recognized in this Convention so as to better provide the assistance and services guaranteed by those rights (§1i). States are invited to adopt all the appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention (§1a), to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities (§ 1b), and to refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention (§1d).

The paragraph three (3) ensures the participation of the disabled in organizations that are authorized to discuss with the State, so that their rights find the best possible resonance. Specifically: “In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations”.

ii. Article 8 “Awareness – Raising”:

Under the Article 8, member states are bound to awaken society regarding the rights of the disabled and to eliminate all prejudice and stereotypes that prevail against them. In this spirit they undertake to promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market (§2a iii).
iii. Article 29 "Participation in political and public life”:

Member-states must “promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including: forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels”. Therefore, the organization of such groups of people with disabilities should be supported and assisted, which, in the context we are examining, mainly concerns us in relation to the establishment and the role of trade unions.

iv. Article 9 “Accessibility”:

The Article 9 provides for the obligation of the state to ensure the access of disabled people to all public and private facilities and services to which citizens have a right of access (“which are open to the public”). In particular, paragraph one (1) states that “To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas”, while paragraph two (2) records relevant obligations of the state. Many of them are of crucial importance in the field of employment, since access to work-related buildings and technologies is a sine qua non in order for disabled persons to work efficiently.

v. Article 26 "Habilitation and rehabilitation”:

The Article 26 stipulates that “1. State Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes: a. Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths b. Support participation and inclusion in the community and all
aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas”.

This provision guarantees the right of people with disabilities to full operational integration into society through work (among others). The state must ensure measures in this direction, as is written in the paragraph 2 and 3: “2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services. 3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation”.

vi. Article 27 “Work and employment”:

As far as employment is concerned, the specific content of the rules reflected in the Articles 1, 2, 4, 9, and 27 appears to be extremely useful. The main provision is found in the Article 27, which describes in the most modern and comprehensive manner the right of disabled people in employment and occupation. The content attached to this right is largely consistent to the concept of “decent work” adopted by the International Labour Organization (ILO). The aim is to integrate disabled persons in an open and accessible working environment, in other words the open labour market and not specially protected environments. Taking this for granted, it can be said that alternative forms of employment –which differ from the traditional “open”/normal forms of employment– may continue to be applied or even strengthened, but under the following conditions: a) that they serve as interim methods of integration in the open labour market or in the social economy and b) that they guarantee the labour, insurance and pension rights of employees. The second requirement is particularly important because it is possible that under the title of “protected”, “supported” or even “special employment” labour and insurance rights of disabled people are suppressed and so abusive situations are concealed. Another point in which we should be careful is that the Law 4074/2012 (Article 2) establishes an exception from the scope of paragraph 1 of the Article 27, for the armed forces and security forces. This is a perfectly acceptable exception, based on “different treatment on grounds of disability” found in the Article 8§4 of the Law 3304/2005.

Useful tools in the direction of “opening” the employment of disabled persons and serving the objectives set out in the Article 27 are offered by the rest of the articles mentioned above. More specifically, the Article 1
requires the implementation of positive action measures (§1e, g, h, k) and incorporates the dimension of disability in general programs and services that promote employment (1§d, f, j). In the Article 2, obligation arises for universal design of the workplace and reasonable adjustments. The universal design, in accordance with the Article 4§6, 7, 8, consists in the analysis of the delimitation and accessibility as design goals, so that the final product or service responds to a changing operating environment, without excluding the use of assistive technologies. Reasonable adjustments are the individualized facilities in favour of people displaying a disability, so that they can perform their professional duties undisturbed. Prerequisite for their realization is that they do not impose a disproportionate or undue burden on the employer. This is something that never occurs when adaptation is funded by national or another program, because in such cases the financial burden is not borne by the employer.

The denial of reasonable adjustments constitutes, according to the Convention, discrimination against disabled persons, which can be brought forward to any competent authority. At this point we notice a difference between the European Regulation and national Law 3304/2005, which does not recognize such a capability, however the Convention shall prevail as a binding international legal instrument and the national law should be amended.

The Article 9 introduces forms of live assistance and intermediaries, meaning the activities of people facilitating the access of disabled persons to services, buildings and premises that are open to the public. Finally, the obligation to eliminate the incompatibility between work benefits and disability benefits is established, on the basis that, if the disability does not cease to exist, the pause of financial assistance could only be considered as a punitive measure. The Law 4331/2015 moves towards this direction, stating in the Article 13 that “The Persons with Disabilities (PwD) 1. participating in training programs, programs of enhancement of employment including self-employment and / or 2. working in the Social Cooperative Enterprises (Law no 4019/2011) and receiving welfare benefits or reintegration benefits or any form of hospital expense or benefit, do not lose these benefits but continue to receive them simultaneously and cumulatively with the compensation from participating in these programs and / or their remuneration from employment to the S.C.E.”.
B.1.8 Convention of the International Labour Organization (ILO)

There are many international agreements concerning disabled persons that are redacted and passed by the ILO. Prominent among them holds the Convention No 111 “for discrimination in employment and occupation”, ratified by the Greek Law 1424/1984. Useful, among others, are the Convention 102 “for the minimum Social Security” (it was ratified by the Law 3251/1955), Convention 142 “on the role of vocational guidance and education in human resources development” (Ratifying Act: Law 1856/1989) and Convention 159 “for the vocational rehabilitation and employment of disabled people” (Ratifying Act: Law 1556/1985).
B.2 European institutional framework

B.2.1 Treaty on European Union

In the frontispiece of arrangements for disabled persons and especially their equal treatment to the rest of the population should be put revised by the Treaty of Amsterdam Article 13 of the Treaty on European Union (TEU - Treaty of Maastricht in 1992). Its purpose is to eliminate discrimination against persons or groups due to sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation and provides for action to combat discrimination, including discrimination based on disability.

A. Treaty of Maastricht:

In the context of the Treaty establishing the European Community (TEU - Treaty of Maastricht 1992) the Article 12 (ex Article 6) provided that any discrimination based on nationality is forbidden. At the same time, the Article 141 (ex Article 119) stressed the principle of equality between men and women, but only in terms of equal pay. The Amsterdam Treaty in 1997 reinforced the principle of equality by adding two crucial provisions.

B. Treaty of Amsterdam:

The “Amsterdam Treaty” signed on October 2, 1997, radically changed European policy on disability. For the first time the term “disability” was introduced as a cause of discrimination (Article 13) and people with disabilities were taken into consideration in the process of devising measures by the EU institutions. Specifically, the Article 13 prohibits discrimination against vulnerable groups which included the disabled, thus establishing the principle of non-discrimination against them. In this terms, disability is seen as one of those human characteristics that are protected from discrimination in the area of Community activity and authorize European Community to take action.

More specifically, the new Article: 1. enables the EU to adopt anti-discrimination legislation, and 2. provides that the Council may adopt the necessary measures to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Furthermore, the intergovernmental conference which drew up the Treaty of Amsterdam sought to reinforce the relevant commitments through a declaration contained in the Final Act. The Declaration provides that when
the Community is to adopt measures concerning the approximation of member states’ national laws, the needs of disabled persons should be taken into account.

**B.2.2 European Convention on Human Rights**

The ECHR followed the Universal Declaration of Human Rights, signed in Rome on 04/11/1950. Greece ratified it by the Law 2329/1953 and after the restoration by LD 53/1974. It enshrines a variety of rights together with the Additional Protocols annexed to it and the efficiency that distinguishes it is particularly high, since it provides additional protection of victims, through recourse to the European Court of Human Rights (ECtHR). Greece recognized the possibility of individual application by the Law 2400/1996, which ratified the Protocol No. 11 of the Convention.

There are two articles referring to the prohibition of discrimination: The Article 14 of the ECHR and the Article 1 of the 12th Protocol. The first one prohibits discriminatory application solely of the ECHR provisions and only for specific reasons, while the second one affirms that the enjoyment of all rights of individuals must be equal and without discrimination of any kind (direct-indirect / for limited purposes). The difference, therefore, lies in their scope: The Article 14 applies only when provisions of the Convention are challenged through discriminatory application of certain kind, while Article 1 extends protection against discrimination, firstly beyond the sphere of the Convention and, secondly, also for the states that have ratified the Additional Protocol.

By the above it is clear that the Article 14 does not provide an independent and general protection from discrimination, but requires solely equal application of the provisions of the Convention. That is why it is always used in combination with another article, which was violated in the case. Related to the work of people with disabilities is the Article 4§2, 3, which prohibits forced labour, and the Article 11, which guarantees freedom of association. Once it is proven that a person has suffered negative treatment as a result of discrimination due to his disability, the Article 14 in conjunction with the article of the Convention violated are applied. Apart from that, this same right of disabled persons to work enjoys protection sometimes, although it is not autonomously guaranteed in the ECHR. This happens only when it is violated to such an extent as to constitute simultaneously an attack to some other right or freedom protected in the ECHR, predominantly the private and family life (Article 8 of ECHR) and the prohibition of inhuman or degrading treatment (Article 3 of ECHR). In these cases, the Article 14 is called again in application.
combined, however, with one of those articles, which has been violated indirectly. The rule, of course, is that discrimination in employment and occupation does not lie within the scope of the Article 14, but the truth is that this field is increasingly widening, thanks to the flexible interpretation mainly given to the Article 8 (privacy in the context of personal development and interaction with others: work and access to it belong here).

If such an enlarged response to the violation is not possible, the distinction is considered to be independent and the Court has to be based on the Additional Protocol 12 to extend its jurisdiction in situations that are not regulated by the Article 14. It should be noted here that the Article 1 is addressed to the states, but also obligates them to adopt measures to prohibit discrimination by private entities, when the opposite would be manifestly unreasonable and would deprive individuals of the enjoyment of their rights.

**B.2.3 European Social Charter**

The European Social Charter (ESC) was signed in 1961 by members of the Council of Europe and plays a complementary role to the Convention in the sphere of social and economic rights. It is the most complete protection mechanism of the Council of Europe in the domain of social rights, broadening the scope of intervention of the Agency, which until then focused in civil liberties through the ECHR. It is an international agreement legally binding for the countries that have ratified it, while the Article 136 of the European Communities Treaty makes explicit reference to it, not making it compulsory for member states, but legalizing it as a source for the orientation of both the members’ social policy and the EU legislation.

The ESC is constantly evolving through the European Committee of Social Rights case law, which oversees its implementation and through the adoption of Protocols to it that broaden its scope and improve the control mechanism. In 1988 there was the adoption of an Additional Protocol to the ESC, which recognized new rights. In 1995 a new Additional Protocol was adopted providing for a system of Collective Complaints. Greece ratified both of these Additional Protocols by the Law 2595/98 (OGG 63/A'/03-24-98). In 1991 an amending protocol was adopted, which improved the Charter’s enforcement procedure and was ratified by Greece by the Law 2422/1996 (OGG 144/A’/04-07-96).
In 1996 the ESC was revised in order to incorporate new rights and become more up-to-date. The Revised European Social Charter was adopted in May 3, 1996 in Strasbourg and entered into international force in 1 July 1999. It takes into consideration the changes made in labour law and social policy since the adoption of the first Charter in 1961 and intends to ultimately replace him. The ratification of the revised Charter of 1996 was made by Greece only recently, in 01-14-2016, by the Law 4359/2016 (OGG 5/A’/01-20-2016).

The Charter follows the spirit of the ILO conventions. The preamble states that the enjoyment of social rights should be secured without discrimination on grounds of race, colour, sex, religion, political opinion, national or community origin. In service of this declaration, the 1996 Protocol of Amendment added the Article E in Part V of the Charter, which prohibits discrimination in the enjoyment and exercise of the rights guaranteed. Its function is similar to that of the Article 14 of ECHR (non-independent), but covers a much wider range, since the Charter establishes many more rights. Regarding the relevant protection features, the last supplementary Protocol (1995) recognized the possibility of collective redress to the European Committee of Social Rights by national and international employers’ organizations and labour union organizations, as well as international and national NGOs in their capacity of Council of Europe’s partners. Disability organizations declared as partners of the Council of Europe are the European Disability Forum, the organization for the mentally retarded Inclusion Europe, the organization for autism Autisme Europe, the international federation Hydrocephalus and Spina Bifida and the organization Mental Health Europe.

The Articles of the Revised Charter to be dealt with in relation to the employment of disabled persons are, in particular the following: Article 1, which sets as its main objective the achievement and maintenance of the highest possible level of employment, noting several obligations to this direction. Articles 2 and 3 that index the right to fair working conditions, which includes, for example, safety and health regulations (Article 3). Articles 9 to 17 that guarantee the right to social security and deal with a number of specific issues, such as training, health, medical care, social services, economic and social protection of the family, etc.

Extremely critical was the amendment of the Article 15 related to disabled persons, which strengthened their right to independence, social integration and participation in community life and overcame the original approach focused on rehabilitation and social integration. In the first notes
of the revised Article 15\textsuperscript{7} the European Committee of Social Rights commented that this provision “promotes the change in the policy of disability that has taken place over the last decade, from welfare and segregation to integration and choice”, considering that this Article incorporates a requirement for non-discrimination. This approach can be of interest in relation to special or separate educational systems of children with disabilities. The Commission considered that the requirement for non-discrimination covers the integration of these children in general education structures and any adverse selection should be convincingly justified and accompanied by effective treatment of the unlawfully excluded or isolated or otherwise denied an effective right to education.

**B.2.4 European Charter of Fundamental Rights**

On December 7, 2000, in Nice, the Council, Parliament and European Commission formally proclaimed the Charter of Fundamental Rights, which covers a large number of rights protected in EU. From December 1, 2009, the Charter is legally binding: The Article 6, Paragraph 1 of the Treaty on European Union (TEU) now provides that “the Union recognizes the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union [...] which would have the same legal value as the Treaties”. Consequently, the Charter constitutes EU primary law and, thus, a parameter for examining the validity of EU secondary legislation and national measures.

The main Articles concerning disabled persons are 1, 21\textsuperscript{8} and 26\textsuperscript{9}. The

\textsuperscript{7} “The right of persons with disabilities to independence, social integration and participation in the life of the community: With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular: 1) to take the necessary measures to provide persons with disabilities with guidance, education and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private; 2) to promote their access to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialised placement and support services; 3) to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure”.

\textsuperscript{8}“Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited”.
first one guarantees the respect and protection of human dignity. The second one guarantees the prohibition of discrimination for a host of indicative reasons, many of whom have been included neither in the ECHR (disability, age, sexual orientation and genetic features) nor in any other influential international legal text on human rights (genetic characteristics). The third article makes explicit reference to the occupational integration and sees it as a means of social inclusion and empowerment.

**B.2.5 Community Charter of Fundamental Social Rights of Workers**

The above is a qualified non-legally binding document adopted in 1989 of great historical and social importance for workers in the European Union member states. In relation to disabled persons, interesting are the provisions of the Articles 15 and 26. According to the first one, “every person with disabilities has a right to vocational training, rehabilitation and reintegration, regardless of the cause and nature of their disability”, while the Article 26 provides that in order to promote professional and social integration of people with disabilities, it is necessary that these people enjoy specific additional advantages related, inter alia, to vocational training, ergonomics and accessibility.

**B.2.6 European Code of Social Security**

This is another Council of Europe legal instrument on social policy (International Convention of 04-16-1964), which incorporates the European Social Security Convention of the year 1972. It was signed by Greece in 1977 and ratified in 1981 by the Law 1136/03-13-1981 - OGG 61 SD - only for some parts. The sections related to family allowances and unemployment as well as the European Code Protocol have not been validated. This Code was revised and signed by Greece in November 1990.

**B.2.7 European Directives**

The eminently exploitable European Directive within the problematic under examination is the Directive 2000/78, which establishes a general framework for equal treatment in employment and occupation. It was

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9 “The Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community”.

Legislation, policies and practices related to accessibility  
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adopted under the Article 23 of the Treaty on European Union (TEU) and was transposed almost as such into national law by the Law 3304/2005.

**B.2.7.1 Legal nature of Directives**

First of all, it is advisable to look at how Directions develop their results in national law. If the Directive explicitly recognizes unconditionally and unequivocally a right to an EU citizen, this right can be invoked before national courts, regardless of whether the Directive has been incorporated into national legal order, and the national court is obliged to take account of it. This is the so-called “direct effect” of Directives, namely the direct development of their results in favour of those subjected to Community law. If, however, the Directive has not been incorporated into national law, its effects are developed only against the State and public entities. Individuals are not required to respect the vested rights. This does not apply, however, in the case of the “indirect effect” of Directives, meaning the obligation to always interpret national provisions based on the Directives, whether or not the difference involves the State.

Should the state fail to transpose the directive into national law, it may be required to compensate the person whose rights were violated, under three conditions: firstly, the breach has to be manifest and serious, secondly the Directive has to protect the rights of people sufficiently recognizable and, thirdly the violation has to be attributed to the breach of the State’s obligation to transpose the Directive into national law, in order for a causal link between the State’s conduct and the damage suffered by the citizen to exist.

**B.2.7.2 Directive 2000/78/EC and National Law 3304/2005**

- **General characteristics:**

The Directive aims to promote social inclusion by ensuring the idea of an “open market”, through a common European employment strategy. It sets a minimum degree of protection from discrimination, stating, however, the prohibited grounds of discrimination in a restrictive way (proportionate application of law is forbidden). The prohibitions are the same as those contained in the Amsterdam Treaty (Article 13), but this document goes a step further and imposes sanctions for failure to comply. The limitation of the principle of equal treatment only in the fields of employment and not in other areas of social life as well, such as education and transport, could be noted as a crucial deficit.
The national law which incorporates the Directive introduces legally binding provisions and opens new avenues for effective dealing with cases of discrimination, beyond the judicial route, which hitherto monopolized the field of possibilities. Many of its provisions can be implemented in conjunction with the Law 2643/1998 and thus it appears very useful for people placed in job positions through this. The state has the obligation, under the Directive, to disclose the content of this law to all those who may be concerned (employers and workers - Article 13).

- Scope:

The Directive has a wide scope. It covers all EU citizens whatever their nationality, it is addressed both to the state and individuals, not only to employees but also to people who receive or are candidates to receive vocational training, it covers vocational education and training conditions for access to employment / self-employment / professional life in general, the terms and conditions of employment, promotion and career development, remuneration, participation in organizations of workers or employers or professional organizations, and the termination of employment. It is worth noting that the prohibition of discrimination in accordance with the Directive and the Law 3304/2005 which incorporates it, extends also to the pre-contractual stage, at which the principle of equal treatment according to the Article 4 of the Constitution does not provide protection. This principle provides protection to some extent only in the stages of an active employment contract and of an employment relationship that is terminated. Finally, the Law 3304/2005 can be applied even if the legal relationship has ended, which means that the victim may appeal to the court at any time.

- Main settings: Concept of discrimination and exceptions - positive measures - Reasonable adjustments.

Commencing with the concept of discrimination and its types (Article 2). Subparagraph a of Paragraph 2 states that direct discrimination occurs when a disabled person is treated in a less favourable way than another person without disabilities as a result of his disability. Subparagraph b of Paragraph 2 defines indirect discrimination as the case in which an ostensibly neutral provision, criterion or practice would disadvantage one for reasons that are not acceptable. Two advantages are registered here: firstly, there is no need for the discriminatory provision to be de facto applied and, secondly, intention to discriminate is not necessary.
Exceptions to indirect discrimination are adopted when this is objectively justified by a legitimate aim and is served by the appropriate means, as well as when there is an obligation for reasonable adjustments in order to eliminate the disadvantage caused by the discrimination, in accordance with the national law and the Article 5 of the Directive. The chapter of workers’ medical examinations acquires a particularly significant meaning within the framework of indirect discrimination. The Article 8 of ECHR protects the right to privacy, which includes the management of personal data which of course include medical data. The employer, therefore, can take knowledge of the medical data only when they are connected to the specific type of work, so that this knowledge does not appear unjustified. In this way, cases of indirect discrimination, such as submission to examinations that have nothing to do with a certain position, just to exclude those who bear a disability, are avoided.

Harassment (Paragraph 3) and order to discriminate (Article 4) also constitute forms of discrimination. The first is an unwanted behaviour related to the prohibited grounds of discrimination, which either creates or aims at creating a negative environment and insult the dignity of a person. Retaliatory measures as a response to a complaint or proceeding brought by the employee, in their attempt to ensure equal treatment, are also forbidden. Discrimination on grounds of association had better been brought under the heading of direct discrimination, because it does not matter whether the discriminatory reason concerns the person himself or people close to him, as long as it directly places this person in a disadvantaged position. Moreover, the European Commission in the Annual Report 2005 on Equality and Non-discrimination ruled that discrimination on grounds of association is covered in some cases by both Directives (the other one is Directive 2000/43/EC on the prohibition of sex discrimination). It is worth noting that, although it is not regulated, all the above cases should be covered in the form of discrimination because of a state that is thought to be such even if it is not (e.g. the worker is supposed to have a disability but in reality does not), so as to complete the protection grid.

The Law 3304/2005 integrates the above settings in the Articles 2 and 7. The first one deals with the concept of harassment, the second one with the concept of direct and indirect discrimination. As regards direct discrimination, two problems arise: firstly, the way in which the similarity of the situations will be determined and, secondly, whether the control standard should be real or hypothetical (finally, both versions are accepted). In order to accept indirect discrimination, we do not need to prove statistically that disabled persons are placed in a worse position.
than other groups. From the scope of the law are exempted the protected workplaces, the public system benefits including social security and welfare (No. 3), the Armed Forces and Security Forces (Article 8§4 ), the kind of discrimination based on professional requirements (Article 9§1) as well as the positive measures for disabled persons (Article 12§1), such as mandatory placement of disabled persons into working positions through a quota system (e.g. Law 2643/1998) which does not discriminate against other people without disabilities (see also Articles 116§2 of the Constitution).

Positive action measures in particular, are institutional, administrative and other measures applied in specific areas and targeted at specific categories of citizens (women, disabled, etc.), against whom distinctions that impede the equal delight of their rights take place. They differ from the concept of mainstreaming (integration of the disability perspective into all policies, measures and horizontal programs) but they are pervaded by the same spirit. The quota system is one of the most widespread positive social protection measures, and other such measures implemented in Greece were the grant of business activity to disabled people, the subsidy of employers to hire disabled persons, several local social inclusion actions for vulnerable groups of the population, etc., all through the NSRF 2007-2013.

Related to the above are the reasonable adjustments for people with disabilities, which consist in taking the appropriate measures from the part of the employer, so that the person with disability can access a profession, exercise it, be promoted or undergo training. The goal remains the realization of the principle of equal treatment, with the reasonable measures embodying a new way of dealing with people in need, as people in need of protection and not as people benefiting a charity. Furthermore, if realizing reasonable adjustments is the only way to allow disabled people to perform their professional duties, then this realization assumes the character of a positive right, the satisfaction of which may be required by any interested person. The failure to provide reasonable adjustments as an objective fact constitutes discriminatory behaviour and does not need to be accompanied by fault of the employer. The only case in which the refusal of enforcing reasonable adjustments is justified is when this would impose a disproportionate burden on the employer, based on the following criteria: the nature and cost of adjustments, the type, size and financial resources of the company, the number of workers and the effect of adjustments on the operation of the business, including the effect on other workers, especially the performance of their duties. If, however, funding or other financial assistance is provided to the employer, he is
obliged to move forward with the adjustments and cannot in any way rely on the disproportionate of the cost so as not to complete them. Finally, it is important to underline that the concept of reasonable adjustments is distinguished from the concept of accessibility, as the second is general and covers all disabled persons, while reasonable adjustments are personalized. Presidential Decree 16/1996 introduced accessibility requirements for the workplace, but not “reasonable adjustments”. These were introduced (as obligatory) by the Article 10 of the Law 3304/2005, which addresses the issues of employment and vocational training.

Typical examples of reasonable adjustments are the following:

- The structural or physical changes to the building of a business, for example the opening of a door, the construction of a ramp or repositioning of switches.
- Providing additional equipment, such as a large computer or textbooks in Braille format.
- The reorganization of work tasks, namely the sharing of non-crucial work duties between employees, the changes in working time, the definition of another workplace.
- The appointment of a colleague as a supervisor for the person with learning difficulties, who will be responsible for reminding and explaining to him at times his duties, who will modify the program, etc.

- Penalties - Advocacy for victims.

The Directive does not provide for sanctions but leaves the choice over the kind of sanction to member states. Under the following conditions: the sanction to be effective, proportionate and dissuasive (Article 17 of the Directive). These conditions derive from the principle of effective transposition of the Directive into national law. The Law 3304/2005 introduces criminal and administrative penalties (Article 16-17), but does not introduce special civil remedies and, therefore, we rely on the protection afforded by the general provisions of the Greek Civil Code, namely those of the Articles 57, 59, 281, 914, and 932. Their application requires of course the fault of the employer, however Community law considers a penalty to be sufficiently effective and dissuasive only when the victim’s recovery obligation is not dependent on fault of employer. This is because the ECJ, influenced by the US law, attaches to compensation a rather punitive and preventive character rather than a civil one, so it is indifferent to the concept of fault, in contrast to what most member states’ legal systems accept. As regards the Greek legal system, coexistence of the three goals (with the rehabilitative still setting
the limits) can take place only when talking about non-material damage or insult of personality (Article 59, 932, 57 C.C.), because it is only then that there is no stricto sensu damage.

Issue arises as to whether the victims of distinctive behaviour are entitled to claim the conclusion of employment agreements as a form of recovery. Such an option is compatible with the Community law, but the national legislature is still free to choose. In the Greek system there is no relevant provision, but it is assumed that the obligation to award contracts could be based on the Article 57 C.C. (remove the attack) or it could take the form of in natura restoration. Under those two conditions: 1. that the working position remains vacant and 2. that the employer would conclude the contested contract with the victim, should the discrimination had not taken place. De lege lata such a solution is acceptable, and the opposing arguments about stifling restriction of the constitutionally guaranteed freedom of contract of the employer have a more de lege ferenda character.

In defending victims of discrimination, the Article 9 Paragraph 2 provides that member states shall ensure that associations - unions etc. having a legitimate interest in discrimination may provide support to victims of discrimination and initiate legal or administrative proceedings on their behalf with their approval. The interest of these organizations is determined in national legislation. In order to implement that provision, the Article 13§2 of the Law 3304 determines that legal entities designed to ensure the principle of equal treatment can represent the victims before a judicial or administrative authority or organ. The National Confederation of People with Disabilities [ESAmEa] is one of these organizations, under the Article 2§8 of its Charter. In addition, it is provided that the victims can address specific entities, depending on who insulted them. If the government is the infringer (departments, agencies, and public sector enterprises), then the Ombudsman is competent, if individuals or legal entities others than the ones mentioned above are responsible, the Labour Inspectorate of the Ministry of Labour is empowered, and, finally, if talking generally about public or private bodies, the Equal Opportunities Department of the Directorate of Social Protection of the Ministry of Labour takes in charge and may promote petitions / complaints to one of the other two bodies mentioned above. The disability movement organizations can always provide support to victims. Especially for the powers of the LIML, the new Law 3996/2011 included special arrangements, among which are the supervision of the principal of equal treatment (Article 2§2) and the conciliatory intervention for the resolution of collective and individual labour disputes (Article 3§2).
These settings can be used in combination with the Article 10 of the Law 3304/2005 and the Presidential Decree 16/1996 on minimum standards of safety and hygiene at work.

Finally, it should be underlined that the burden of proof of the unlawful discrimination act is reversed, under the Article 10 of the Directive. If the victim claims before any judicial or competent administrative authority to have suffered discrimination on the basis of facts which confirm his/her allegations, the distinction is considered to be true and the burden of proof is reversed. The employer is now the one who has to prove that he did not discriminate against the applicant (subject of rebuttal: not that the person was actually disabled, but that the defendant was not treated discreetly). The evidence procedure before Criminal Courts is of course excluded.
B.3 National institutional framework


Dominance in the protection grid holds of course the Law 3304/2005, which incorporates the European Directive 2000/78 and to which extended reference was made in the preceding chapter. It will merely be remarked here that it ensures equal treatment of disabled people in the workplace in a wider context than the national laws mentioned above and this is what makes it critical, because it can be applied in all cases through the general principles, guidelines and goals it establishes.

B.3.1 The Constitution of Greece

Cornerstones of the regulatory framework for the treatment of disabled people in the workplace are two Constitutional provisions found in the Article 4 and Article 25 of the Constitution of Greece. The first enshrines the principle of equality and the second the principle of the social rule of law.

According to the first one, “1. The Greeks are equal before the law. 2. Greek men and women have equal rights and obligations”. Equality here takes the form of proportional equality, which prohibits arbitrary differentiation between similar situations (distributive justice). Even though the Constitution refers only to equality of citizens before the law, it is clear that it also enshrines equality of the law against the citizens otherwise the requirement for equal rights would remain empty words. These statements raise the minimum guarantee level for equal treatment of the disabled.

The protection grid is complemented by the provision of the Article 25, according to which “1. The rights of humans as individuals and as members of the society, as well as the principle of welfare state are guaranteed by the State. All state bodies are obliged to ensure their unhindered and effective exercise. These rights apply to relations between individuals which are considered suitable. Restrictions of any kind which
may be imposed on these rights according to the Constitution must be provided either directly by the Constitution or by law, if there is prejudice in favour of it, and respect the principle of proportionality. 2. Recognition and protection of the fundamental and inalienable rights of man by the State aims at the achievement of social progress in freedom and justice”. These settings are the basis for the foundation of the State’s social policy, i.e. the policy that provides for the whole of the population, mainly through measures to alleviate and protect disadvantaged groups.

The principle of equality in conjunction with the social rule of law leads to positive treatment of groups characterized by some weakness, in other words to the adoption of positive measures to remedy this weakness, in order to eliminate the disadvantage and equate their living conditions with those of the rest of the population. This vision is explicitly guaranteed in the provisions of the Articles 21, 116 and 22 of the Constitution, with the first generally referring to social benefits and the latter focusing on labour and employment.

The Article 21 of the Constitution stipulates that: “2. Large families, disabled and invalids of war and peacetime, war victims, widows and orphans of those who fell in the war and those suffering from incurable body or mental ailments are entitled to special care by the State. 3. The State shall ensure the health of citizens and adopt special measures for the protection of youth, old age, disability and for the relief of the needy. […] 6. Persons with disabilities have the right to enjoy measures ensuring autonomy, occupational integration and participation in the social, economic and political life of the country” and the Article 116 that: “2. There is no gender discrimination by taking positive measures to promote equality between men and women. The State shall ensure the elimination of existing inequalities, especially against women”. The attitude that we identified above is clearly reflected in these lines: the State has the obligation to put the disadvantaged groups in the same, in effect, position as the rest, and, in this direction, it adopts measures of assistance and support. The principles of equality and welfare state find their perfect fit here, with the State playing its social role to serve the principle of equality between disadvantaged and non-disadvantaged people.

The Article 22 specifies, as has already mentioned, in the area of work and provides that: “1. Working is a right and is protected by the State, which shall ensure the employment conditions of all citizens and the moral and material advancement of the rural and urban working population. All employees, regardless of gender or other discrimination, have the right to equal payment for work of equal value”. The first sentence establishes the
right of disabled people to work, which to be exercised satisfactorily and under conditions similar to those applied to the rest of the population, requires special safeguard measures. The second sentence establishes the protection of their work, ensuring equal payment for work of equal value.

These three provisions promote the social model of disability, according to which disability is a condition identified as a weak position only because society does not look after it. This means that the disability is not a problem of the individual (not a problem “in se”), but of the environment. The environment should therefore be adapted to the individual and for this purpose the relevant care provisions are adopted. Most of the progressive constitutions orientate towards this direction and take positive measures to help groups in need.

**B.3.2 Law no 2643/1998 “Employment of specific categories of citizens and other provisions”**.

- *Generally – beneficiaries and obliged entities.*

The Law 2643/1998, which establishes a quota system for the employment of disabled people in the narrow public (Article 2) and in the private and public sector (Article 3) on the basis of the Article 22§1 and Article 21§6 of the Constitution, is the key piece of legislation that protects the right of disabled persons to access employment and be integrated in the workplace as equal members of society. It was modified mainly by the following laws: 2956/2001 “Restructuring OAED and other provisions”, 2972/2001 “Modernization of the organization and functioning of the Social Insurance Institution and other provisions”, 3227/2004 “Measures to tackle unemployment and other provisions” and 3454/2006 “Supporting family and other provisions”.

The groups under protection are: disabled people (direct protection), their first-degree relatives (indirect protection), large families, the fighters of the National Resistance and their children, the disabled persons and war-wounded as well as the children and the surviving spouses of those who were killed or disappeared during the military events of Cyprus at the years 1964-1967 and 1974.

As regards disabled persons in particular, the law provides protection to:

a) disabled people with a disability of at least 50% (direct protection) and
b) those who have a child or sibling or spouse with a disability of 67% or more (indirect protection). The Article 31 of the Law 2956/01 (OGG 258/A’/06-11-2001) provides that for those with a child, sibling or spouse
who have intellectual disabilities or autism and are unable to work, the minimum disability rate is reduced from 67% (required for all other diseases) to 50%.

The appointment and hiring of those protected by the Law 2643/1998 takes place via general and special notices issued annually and at scheduled dates. The conditions to be satisfied by the recipients are the following:

- They need to be registered as unemployed disabled people in OAED registers, in the case of positions in the private and public sector (Article 3).
- It is obligatory that they do not get a state pension or pension by any main or supplementary insurance agency that is accumulatively greater than the minimum IKA pension. Especially for paraplegics - quadriplegics, hemiplegics, deaf and blind, they are excluded if receiving the double of this pension.
- It is obligatory that they have not been restored thanks to the provisions of the Law 1487/1950 (OGG 179/A’) “On the protection and rehabilitation of war disabled soldiers and war victims”.
- It is obligatory that they have not been deprived of their political rights,
- that no other member of the same family has been benefited by this law, and
- that they are not less than 21 and older than 45 years old.

In an effort to rationalize the objectivity of the quota system, the Law 2643/1998 promotes the qualifications related to knowledge and introduces the point system of social criteria, such as family and economic situation. More specifically, these criteria are: a) age, b) qualifications (diplomas), c) disability rate, d) marital status, and e) the economic situation (point 1, Section 4).

The obliged entities are:

- According to the Article 3, the narrow public sector, which means public agencies, legal entities of public law and local authorities of any level. 5% of all positions opened nationwide by these entities in favour of the protected groups is distributed as follows for people with disabilities: a) 3/8 to disabled people with a disability of at least 50% (direct protection) and b) 1/8 for those having a child or sibling or spouse with a disability of 67% or more (indirect protection). The remainder is allocated among other groups protected by law (large families, national resistance fighters and their children).
Pursuant to the Article 2, the wide public sector bodies, which are:

a) Public enterprises and public organizations,
b) private entities state-owned or subsidized regularly by State resources by at least 50% of their annual budget or in which the State holds at least 51% of the share capital, and
c) legal entities (1) either owned by the entities mentioned above or by public bodies or by local authorities of any level or by the Central Union of Municipalities or by local associations of municipalities (2) or subsidized by those bodies – in a regular basis by at least 50% of their annual budget, in accordance with the relevant provisions or the relevant statutes or (3) sharing a capital at least 51% of which is possessed by the above entities (case 8 Article 2). The quota in these bodies shall be:

a) for the people bearing a disability (direct protection) at 3%, and
b) for their relatives (indirect protection) at 1% of the rate of 8% that is reserved for all the protected groups. Companies presenting negative balances (loss) on the two periods immediately preceding the year of notice are excluded by the provisions (case (a), Paragraph 1, Article 2).

Private Greek or foreign companies or holdings operating in Greece in any form as well as their subsidiaries (private sector) who employ over fifty people. The quota in these bodies shall be: a) for the people bearing a disability (direct protection) at 2%, and b) for their relatives (indirect protection) at 1% of the rate of 8% reserved for all protected by law groups. The aforementioned entities that present negative balances (loss) on the two periods immediately preceding the year of notice are not obliged to comply with these requirements (case (a) Paragraph 1, Article 2).

- Special recruitment provisions and additional protection measures.

8% of the total number of lawyers working in the legal departments of organizations of the wider public sector should come from the categories protected by law according to the Article 2 paragraph 8. Moreover, the Article 3 states that utilities, banks and legal entities of the public and private law as well as public services, public entities and local authorities of all levels are required to appoint or recruit, in addition to the hired protected people: a) blind graduates of education schools for blind telephonists which are under the supervision of the Ministries of Health and Welfare, Labour and Social Security and Education, Lifelong Learning and Religious Affairs, in order to fill up to 80% of vacant posts on domestic call centres, b) clerks, night watchmen, cleaners, gatekeepers, gardeners and waiters, war victims, in addition to the others, and military or civilian invalids, children of the war disabled and war victims, if they
reside in the region of the Court where they are appointed or recruited and are able to perform the work entrusted to them, in order to cover 1/5 of vacancies in these specialties (Paragraph 5, Article 2). A key provision is also included in the Article 11 of the Law 3227/2004, which, in addition to the changes made in the Law 2643/1998, introduced some new regulations, concerning:

- The recruitment of protected people in public services, public corporations and local authorities. Relevant provisions there are also in the Joint Ministerial Decision (JMD) 201164/01-11-2004 (OGG 1857/B’).
- Hiring disabled people and people of other protected classes in Public Services, Public Entities and local authorities of all levels as clerks, night watchmen, cleaners, gatekeepers, gardeners, and waiters, to cover 20% of vacancies in these specialties. Relevant provisions there are also in the JMD 201164/01-11-2004 (OGG 1857/B’).
- Hiring blind to such entities, in order to cover 80% of the vacant positions of telephonists in domestic call centres. Relevant provisions also in the JMD 201080/01-11-2004 (OGG 1662/B’).
- The recruitment of protected people in public sector entities.
- Hiring disabled people and other protected categories as clerks, night watchmen, cleaners, gatekeepers, gardeners and waiters in utilities, banks and public sector bodies.
- Hiring blind telephonists in the public sector entities. Relevant provisions there are also in the JMD 201080/01-11-2004 (OGG 1662/B’).
- Hiring disabled persons and other protected categories as Lawyers in the Public sector entities.

Finally, social protection is enhanced by the following measures:

- Moral rewards to businesses that are keen on employing people who are protected by law,
- partial cover of the cost of training of protected people or of the ergonomic arrangements in working positions (reasonable adjustments), and
- increase of the annual leave of those protected by six working days.

- Coordination and control over the procedures.

The employment agency (OAED) is responsible for issuing the notices of Law, the points awarded to the entitled and their positioning, while the Directorate of Social Protection of the Ministry of Labour, Social Security and Welfare is responsible for the coordination of all relevant processes.
To preserve the impartiality of the examination procedure and the evaluation of substantive, procedural and social criteria, there have been established and operate:
1. The primary committees, known as committees of the Article 9, which examine the employers’ administrative appeals and involve their representatives of their representative bodies, as well as representatives of the national disability movement, in the case of recruited disabled people.
2. Secondary committees which examine the employees’ administrative appeals and involve representatives of their representative bodies, including representatives of the national disability movement, in the case of recruited disabled people.
The omissions and weaknesses identified by all stakeholders during the implementation of the law led to the establishment of a Central Committee, which once again involves representatives of the protected categories, including representatives of the national disability movement.

- Penalties

The penalties provided for employers when not applying the law are: a) in the case of refusal to recruit a protected person, a fine equal to six minimum monthly salaries of a private employee, in accordance with the applicable provisions of the national general collective agreements and b) in the case of delay of appointment and if the employee has appeared to the employer, a fine equal to the earnings of the employee for each day of delay of the appointment.

B.3.3 Presidential Decree 6/1996 “Minimum safety and health requirements for the workplace”

The Presidential Decree 6/1996 was established in compliance with the Directive 89/654/EEC and calls for measures at the workplace to meet the needs of workers with disabilities and facilitate their access to employment and occupation. It can be clearly used in combination with the Article 10 of the Law 3304/2005, which provides that the employer is obliged to take all necessary measures as appropriate in order to enable people with disabilities to have access to employment, evolve professionally and participate in vocational training (“reasonable adjustments measures”). It can also be used in combination with the Article 2 of the Law 3996/2011, which defines the LIB (Labour Inspectorate Body) as responsible of reviewing the implementation of the principle of equal treatment, in accordance with the provisions of the Article 19 of the Law 3304/2005 and pursuant to the Article 10 of the Law
3304/2005. Of course, it is applicable both to those who were placed thanks to the Law 2643/1998 and to those who were not.

Specifically:
In Annex I of the Article 10 of the Decree the following minimum requirements for workers with disabilities in workplaces used for the first time or undergone changes, extensions or conversions after 31-12-1994 are stated:
“22. Workers with disabilities.
22.1. The designing of buildings must be done in such a way so that the employees with disabilities can move and work freely.
22.2. Workplaces must be organized in a way that takes into account the special needs of workers with disabilities. Particular attention should be given to proper planning, in accordance with the Ministry’s instructions (Design service for people with disabilities). This provision applies in particular to the doors, passageways, staircases, the mounting points of the artificial lighting switches and emergency equipment, bathrooms (showers), washbasins, toilets, furniture, facilities, equipment and workstations used or occupied by disabled workers”.

Also, the Annex II of the same article provides the same minimum requirements for workers with disabilities in workplaces already in use before 01-01-1995:
"21. Workers with disabilities.
Workplaces must be organized in a way that takes into account the special needs of workers with disabilities. Particular attention should be given to proper planning, in accordance with the Ministry’s instructions (Design service for people with disabilities). This provision applies in particular to the doors, passageways, staircases, the mounting points of the artificial lighting switches and emergency equipment, bathrooms (showers), washbasins, toilets, furniture, facilities, equipment and workstations used or occupied by disabled workers”.

B.3.4 Civil Servants Code (Law 3528/2007, as amended by Law 3839/2010)

The new Civil Servants Code includes provisions and regulations concerning in particular the disabled, as follows.

- Article 7 “Health”
1. Only those whose state of health allows them to perform their professional duties can be appointed as officials. Lack of natural physical skills does not prevent the uptake, if the employees may perform their
duties with the appropriate and justifiable technical support. Special provisions for the appointment of people with disabilities are not affected.

2. The state of health and physical suitability of the candidates to perform the duties of the post is certified by the competent health commissions, based on the referral document, which describes in general the duties of the position to be occupied.

- Article 8 “Custodial or adjuvant guardianship”
  1. They cannot be appointed as officers:
     d) Those who are under custodial guardianship (complete or partial) or under adjuvant guardianship (complete or partial).

- Article 12 “How to fill posts”
  1. The filling of the positions is governed by the principles of equal opportunity for participation, meritocracy, objectivity, social solidarity, transparency and publicity.

- Article 21 “Reappointment”
  1. The employee, who was fired because of a physical or mental disability, is reappointed within one (1) five years from dismissal if: a) had exercised at least a three-year adequate service, b) submitted a reappointment application within a deadline of five (5) years from dismissal, c) has all the qualifications required to occupy the position at the time of reappointment, except for the age.
  2. The dismissed is reappointed after the competent medical commission has given its opinion, declaring that the physical or mental capacity is restored to such an extent that it allows them to perform their duties. The officer is referred to the commission within one (1) month from the submission of the application.
  3. The official board decides over the reappointment. The employee is reappointed having the same degree in hierarchy as at the time of the dismissal. If there is no available position at the time of reappointment a position ad personam is recommended by the reappointment decision. The reappointed ad personam occupies the first position vacated in the competent sector and hierarchical degree.
  4. The provisions of the Articles 16-20 regarding appointment apply in the case of reappointment, too.

- Article 50 “Right to special leave”
  2. Officials who suffer from or have a spouse or child suffering from a disease that requires regular blood transfusions or periodic hospitalization are entitled to a paid leave of twenty two (22) working days per year. The diseases of the previous section are defined by Presidential Decree, issued
upon the proposal of the Ministers of Interior, Public Administration and Decentralisation and the Minister of Health and Social Solidarity.
3. The right of the preceding paragraph shall be also recognized to officials who have children suffering from severe mental retardation or Down’s syndrome.
4. Employees with a disability of fifty percent (50%) and more are entitled each calendar year to a paid leave of six (6) additional working days to their annual leave.

- Article 53 “Officials with family obligations”
2. The working time of an official who is also parent is reduced by two (2) hours per day if they have children aged up to two (2) years and one (1) hour if they have children aged from two (2) to four (4) years.
The parent employee is entitled to a paid leave of nine (9) months for child-raising, if not exercising the right to reduced working hours, according to the preceding paragraph.
For the parent who is unmarried or widowed or divorced or has a disability of 67% or more, the reduced working time of the first paragraph or the right of leave of the preceding paragraph shall be increased by six (6) months and one (1) month respectively.
In case of birth of a fourth child, reduced working time is extended for two (2) additional years.

- Article 54 “The right to sick leave”
1. To a staff member who is ill or needs to recover a sick leave is granted, which is paid for a number of months equal to the years of service and from which the duration of all the sick leaves taken within the previous five years is removed. Sick leaves granted without interruption may not exceed twelve (12) months. Time of service equal to at least six (6) months is considered as a full year.
2. The days of absence due to illness prior to the sick leave are counted in it.
3. To a staff member who is suffering from an incurable disease a sick leave is granted, the length of which is twice as the length of the leaves of the preceding paragraphs.
4. The incurable diseases are determined by the Minister’s of Health and Social Solidarity decision, after consultation with the Central Board of Health.

- Article 56 “Sick leave authorization procedure”
4. A leave for mental illness of duration beyond one (1) month shall not be granted without prior treatment in a public hospital. Extension of it or a new leave, if it exceeds in whole or in portions one (1) month in the same
calendar year, is granted after a detailed physician’s report and a patient’s functionality examination report, the content of which is determined by the Joint Decision of the Ministers of Interior, Public Administration and Decentralization and Health and Welfare. The same decision determines the authorities entitled to conduct the patient’s functionality examination as well as all the necessary details.

8. After each examination and after the expiry of the maximum time limit of the sick leave, health commissions give their opinion on whether the disease is curable or not. In the second case, after the opinion becomes final, the official is dismissed as defined in the Article 153.

The higher authority of the department concerned may automatically refer any officials in secondary health commission for their dismissal, if it judges that they cannot perform their duties due to physical or mental disability, even before the sick leave is granted or after it has ended.

9. The interested party has the right to appeal before the Appeals Board (Article 166) against the opinion of the competent medical commission about discharge from the service due to illness, in a deadline of ten (10) days from the notification of the decision of the medical commission. The official who is judged by the competent medical commission as insufficient to perform their duties may appeal against this decision before the same commission.

- Article 99 “Suspension”
  1. The official is suspended from duty due to illness or because the position in which they are situated is removed, in accordance with the provisions of the following Articles.
  2. Without prejudice to provisions of the following Articles, the acts of suspension and recovery in the service are issued by the Minister or the highest single governing body of the public entity or, failing that, the President of the collective administrative body of the public entity, following a decision of the administrative council.
  3. During the suspension, the performance of official duties, main or ancillary, is ceased. Time of suspension does not count in the hierarchical evolution.

- Article 100 "Suspension due to illness”
  1. The official shall on their own initiative or at their request be suspended due to illness, when this illness is extended beyond the maximum time set in the Article 54 for sick leaves, but is curable, according to the assessment of the health commission.
  2. Suspension starts from the end of the sick leave and cannot exceed one (1) year for curable diseases and two (2) years for refractory diseases.
  3. In the last two weeks before the expiry of the maximum time limit of
suspension, the commissions of the Articles 165 or 167 are required, at the question of the service, to provide advice on the ability of the employee to return on duty. If the commission advises negatively, the official is obligatorily dismissed, in accordance with the Article 153 of the Code. The official may be referred for examination to the competent health commission at their request or on their own initiative even before the expiry of suspension time. In this case, if the committee advises negatively, the official is dismissed necessarily at the end of suspension time.

4. The provisions of the Articles 31-35 of the Code apply also to officials suspended due to illness.

Note: As refractory diseases are considered disease states and diseases requiring long-term hospitalization or treatment, affecting one or more organs and characterized by exacerbations and remissions. These diseases are considered in principle to be curable or treatable and it is hoped that good use of double the sick leave will contribute to the functional rehabilitation of the civil servant, resulting to the cease of the benefit of prolonged sick leave.

- Article 102 “Suspension remuneration”
1. During the suspension an official is entitled to the three-quarters of their salary.
2. Sickness benefits attributed to employees of public entities during suspension time are deducted from their salaries, if the insurance is based on the contribution of the legal entity, too.

- Article 152 “Grounds for dismissal”
An official is dismissed only because of the following reasons:
a) imposition of the disciplinary penalty of final dismissal,
b) physical or mental incapacity,
c) removal of the post in which they serve,
d) filling the age and thirty-year limit, and
e) non-compliance under the Article 95 of the Code.

- Article 153 “Dismissal because of physical or mental incapacity”
1. An official is dismissed following the decision of the administrative council, if a physical or mental disability is determined, in accordance with the Articles 100, 165, and 167 of the Code. The employee is not dismissed if the incapacity does not prevent him/her from performing other tasks.
2. The staff dismissed in accordance with the Paragraph 1 of this Article is reappointed in accordance with the Article 21 of this Code.
- Article 164 “Types of health commissions”
1. Competent to decide over the officials’ health issues are the health commissions, which are divided into:
   a) primary b) secondary c) appeal d) specific.
2. Responsible to provide advice concerning the grant of sick leaves to officials of the State or of legal entities of public law, who during their establishment maintained the IKA (social security) health insurance, are the relevant health commissions of IKA.

- Article 165 “Primary and secondary health committees”
1. In each county and prefecture one or more primary health commissions consisting of three (3) members and composed of government doctors or public entities or local authorities (OTA) serving in the county or prefecture are recommended by decision of the General Secretary of the Region.
   The primary health commissions are responsible for providing advice, at the question of the service: a) to grant sick leaves, b) to certify the health state of candidates for appointment, c) to characterize diseases requiring hospitalization in order to authorize an up to twenty two (22) working days per year leave, in accordance with the Article 50, Paragraph 2, and d) over any other employee health issue that is related to official duties. If several commissions are recommended, their headquarters and territorial jurisdiction are set up by their recommendation decision.
2. In the centre of each Region, a secondary health commission, consisting of five (5) members and composed of government doctors or public entities or OTA serving the county, may be recommended by decision of the General Secretary of the Region.
   Secondary health commissions are responsible for: a) the evaluation of the objections to decisions of primary commissions under the Article 56, Paragraph 5, b) the dismissal from service due to illness when there is no case of the Article 153, Paragraph 1, Subparagraph 2 hereof, and c) the evaluation of the rehabilitation of those who are reappointed in accordance with the Article 21 hereof. In the secondary commissions cannot participate as members those who participated in the primary commissions against which the complaint is directed.
3. Negative decisions of health commissions are directly communicated to the party concerned and to the department he/she serves.

- Article 166 “Appeal Boards”
1. Every second January, Appeal Boards consisting of three (3) professors of any grade in medical departments of Universities are recommended in the headquarters of the universities’ medical departments by decision of
the Minister of Health and Welfare. The same decision defines their headquarters, competence, modus operandi and specialty of their members.

2. The Appeals Board decides on the appeals in the cases explicitly provided for in this Code.

- Article 167 “Special health commissions”

1. By decision of the Minister of Health and Welfare specific health commissions are recommended, consisting of three (3) professors of any grade in medical departments of Universities. The same decision defines their composition per specialty with respect to the kind of refractory diseases, their territorial jurisdiction, the way they work, the membership, and secretary fee.

2. Special health commissions provide advice to grant sick leave to employees who suffer from refractory diseases and to discharge them from the service, if they cannot perform their duties because of physical or mental disability caused by these diseases. The findings of these commissions subject to appeal before the Boards of Article 166 of this Code, both by the official concerned and by the administration, within thirty (30) days of their notification.

B.3.5 Law 3996/2011 “Reform the Labour Inspectorate Body, social security arrangements and other provisions”.

The monitoring role of the Labour Inspectorate Body was already provided by the Law 2639/1998 (Article 7, Paragraph A), which stated that LIB was empowered: “b) To make any kind of necessary examination, inspection or investigation regarding the determination of compliance with and application of labour legislation as far as the working terms and working conditions are concerned and in particular working time limits, remuneration or other benefits, the safety and health of workers, the specific terms and working conditions of vulnerable groups of workers (such as young people, women in pregnancy or maternity status, disabled) and specific categories of workers”. However, these projections were of no practical relevance, resulting in the recording of serious deficits in the workplace for disabled persons, precisely because of the absence of control and sanctions.

Following the pressure exercised by the disability movement to the State, in order to strengthen the role of the LIB, the Law 3996/2011 was voted, bearing specific provisions crystallizing the functions of this control body. Indicatively, the responsibilities of LIB are the following:
• Supervision of compliance with the provisions of labour legislation as regards in particular the working terms and working conditions, the working time limits, remuneration or other benefits, safety and health of workers, the specific working terms and working conditions of vulnerable groups of workers (such as minors, young people, women in pregnancy or maternity status, people with disabilities) and specific categories of workers (Article 2, Paragraph 2, Subparagraph aa).

• Supervision of compliance with the legislation that promotes the principle of equal treatment in employment and occupation (Article 2, Paragraph 2, Subparagraph ee). [Reference to the application of the Law 3304/2005].

• The research, discovery, detection and prosecution of offenders of the above (Article 2, Paragraph 2, Subparagraph b).

• Monitoring of the implementation of the principle of equal treatment irrespectively of racial or ethnic origin, religion or belief, disability, age or sexual orientation, also taking into account the cases of multiple discrimination according to what is specifically provided for in the Article 19 of the Law 3304/2005. Pursuant to the Article 10 of the Law 3304/2005, it observes the implementation of the principal of equal treatment in relation to people with disabilities, including the HIV-positives, it advises employers and workers on the terms of equal treatment and ensures that employers proceed to all reasonable adjustments by taking all the appropriate measures in order to ensure particularly the access to and retention of people with disabilities in work as well as their participation in vocational training (Article 2, Paragraph, 2, Subparagraph h).

Additionally, LIB can interfere conciliatorily after a request has been imposed to it and having prior checked on the situation, in order to resolve collective and individual working differences, which may inter alia refer to the employment of specific categories of workers and the principle of equality and equal treatment (Article 3, Paragraph 2). During the reconciliation process a deaf or hard hearing person can be supported by a sign language interpreter from the Deaf Federation’s Register of Sign Language Interpreters (Article 3, Paragraph 12).

Except for the combination of those provisions with the Article 10 of the Law 3304/2005 on reasonable adjustments as provided by the actual wording of the Law 3996/2011 in the Article 2, their combined application with the provisions of Presidential Decree 16/1996 is also possible.
B.3.6 Law 4019/2011 “Social Economy and Social Entrepreneurship and other provisions”.

By social economy we mean, in accordance with the Article 1§1 of the law, all the economic, business, productive and social activities undertaken by legal entities or associations of people seeking collective benefit and serving general social interests (statute aim). This is the so-called third sector or non-profit sector of the economy or solidarity economy, which is located between the public and the private economic sector.

Social economy is exercised by legal entities of private law (private entities) and certain Limited Liability Companies in the form of cooperative enterprises of social integration, social welfare or collective and productive purposes. The aim of the first is to promote the social inclusion process of people belonging to “vulnerable groups” (they include both vulnerable and special population groups), mainly through their promotion in employment (Article 1§3). The second are related to social care, namely the “production and provision of social welfare products and services to specific population groups, such as the elderly, infants, children, people with disabilities and people with chronic diseases” (Article 1§5 and 2§2). The third concern the “production of products and the provision of services aiming at the satisfaction of collective needs (culture, environment, ecology, education, utility facilities, utilization of local products, maintaining traditional activities and professions, etc.) that promote local and collective interests, employment, the strengthening of social cohesion as well as the strengthening of local and regional development” (Article 2§2c).

Regarding the financial part of social enterprises, the law states that “the Social Cooperative Company’s resources consist of the company’s capital, third party donations, revenue from the exploitation of its property, income from business activity, grants from the Public Investment Program or the European Union or international or national organizations or local authorities of the first and second level, revenues from other programs, funds from bequests, donations and concessions to use assets, as well as any other income from the development of activities in accordance with its statute” (Article 8). Furthermore, “the profits of the Social Cooperative Company are not distributed to its members unless those members are working in it, in which the case of paragraph 2 is applied” (Article 7§1). “Earnings are annually disposed at a rate of 5% to reserve formation, at a rate of 35% they are allotted to employees of the enterprise as a motive of productivity in accordance with the provisions of the statute and the
rest is at the service of business activities and the creation of new working positions” (Article 7§2).

Social Economy Entities can be registered in the Special Registry of other Bodies of Social Economy and thus be financed by the National Entrepreneurship and Development Fund and be included in the provisions of the Law 3908/2011 on “Strengthening Private Investments for Economic Growth, Entrepreneurship and Regional Cohesion” (Article 14§1).

Particular reference is made to the Limited Liability Social Cooperatives, which were established by the Law 2716/1999 of the Ministry of Health as private law organizations with limited liability of their members. The Law 4019/2011 provides for them that: “... they are automatically considered as Cooperative Social Integration Enterprises and subject to the provisions of the Law” (Article 2§2a), “... they may be integrated into entrepreneurship support programs, OAED programs that support employment, as well as every kind of active employment policies” (Article 10) and that the employees in Social Cooperative Companies who belong to vulnerable population groups and receive welfare benefits or reintegration benefits or any form of hospital expenses or benefits, continue to receive such benefits along with their remuneration from the Social Cooperative Company (Article 10§1).

Finally, the Article 15 of the Law 4019/2011 determines that the coordinating body of social economy development policies is the Special Agency for social inclusion and social economy, which subjects to the Ministry of Labour.

**B.3.7 Indicative legislation concerning accessibility of working spaces**

Law N. 3304/2005 and Presidential Decree 16/1996 (Government Gazette 10A/ 18.1.1996), that have been already mentioned, include references about ensuring accessibility at workplace. Next the legislation concerning accessibility at public spaces in general, not exclusively at workplace, is presented.

**B.3.7.1 Law. 4067/2012 (Official Governmental Gazette 79A/09.04.2012) – New Building Regulations**

This Law provides the definition of accessibility and there is an extensive reference in articles 26 and 27 concerning the specifications that should
be followed when designing built environment, in order to ensure accessibility to people with restricted mobility. More specifically, it is defined that it is necessary to ensure the horizontal and vertical autonomous and safe access by people with disabilities or people with restricted mobility and these people should be served in all the internal and external spaces of the new buildings, according to the Design Guidelines of the Ministry of Environment, Energy and Climate Change “Designing for all”, as they are modified and applied each time whereas special reference is made to individual specifications. Furthermore, it is mentioned that is obligatory to ensure accessibility in all the existing public buildings through interventions that should be completed until 2020. In case that this time limit exceeds, these buildings will be considered illegal. The exceptions to the application of the aforementioned provisions are also mentioned.

B3.7.2 Law 4030/2011 (Official Governmental Gazette 249A/25.11.2011) – A new way of issuing building permits, control of construction and other provisions

In article 3 “Documents and studies” paragraph 2b. it is noted that “For issuing a building permit the approval of building and the following documents and studies are submitted, where necessary according to the legislation:.... b) Architectural study, which includes the study of passive fire protection and the accessibility study for people with disability where necessary.

B.3.7.3 Circular of Ministry of Environment, Energy and Climate Change 42382/16.07.2013 - Clarifications concerning the application of article 26 of the New Building Regulations (Law 4067/2012) which concerns the special arrangements on the accessibility of people with disability/ people with restricted mobility

The application scope of the New Building Regulations and the legislation that is directly related to the implementation of accessibility studies are clarified.
B.3.7.4 Circular 9 of Ministry of Environment, Energy and Climate Change 29467/13.06.2012 - Clarifications concerning the submission of accessibility study for people with disabilities which should be included in the studies that are submitted during the application of the New Building Regulations: Law 4067 (Government Gazette 79/A/2012).

It is defined that accessibility study “should include solutions for the operative, technical and morphological items, in order to ensure the horizontal, vertical autonomous and safe movement of people using wheelchair and generally people with disabilities or/and people with restricted mobility of any kind in the construction”. In addition, the individual components that should be included in accessibility studies are also defined.

B.3.8 Special provisions

Some specific issues are regulated by:

- The Article 5 of the Law 3846/2010 “guarantees on working security and other provisions” for the conversion of conventional types of work in telework, the provision of information to the employee by the employer on this type of work, etc. (see also the National General Collective Labour Agreement 2006-7, which introduced telework under the European framework agreement on telework).
- The Article 39§4 of the Law 3794/2009 “Regulation of higher education’s academic and technological sector issues and other provisions” for recruiting teachers with disabilities.
- The Law 3648/2008 “regulations on war invalids issues, staff of the Ministry of Defence issues and other provisions”, over the entitlement of disabled people with a disability of over 67% to permits of kiosk exploitation.
- The Article 7 of the Law 3528/2007 “Ratification of the Code on the state of Public, Civil and Administrative Employees and Public Entities Employees” for the abolition of limb as a criterion for appointment.
- The Article 8 of the Law 3174/2003 “Part-time employment and social services”, which provides that disabled people who are either employed by private entities with a part-time fixed-term private contract under provisions of this law, or are placed in positions under the grant program of new working positions for Young People with Disabilities are not obliged to register in the unemployed
registers in order to subject to the provisions of the Article 2 of the Law 2643/1998.

- The Article 17 of the Law 2646/1998 “Development of the National Social Care System and other provisions”, for launching Special Programs under the National Program for People with Disabilities, which include protected laboratories (a protected form of employment).
- The Article 16§4 of the Law 2527/1997 “Amendment and supplementation of Law no 2190/1994 and other provisions”, to reduce the working hours of employees with disabled children.
- The Article 14 of the Law 2335/1995 “Merge of the pension segment of the Fertilizer industries Personnel’s Complementary Insurance Fund (T.E.A. - P.E.L.) in the Employees’ Complementary Insurance Fund operating in IKA (IKA - T.E.A.M.) and regulation of other social security matters” for the allowance that shall be paid to blind lawyers hired by Welfare institutions, banks, organizations, utilities and generally legal entities of the public or semi-public and private sector.
- The Article 13 and subsequent of the Law 1836/1989 “Promoting employment and vocational training and other provisions” for the training and employment of disabled persons.

Finally, the law provides specific facilities in favour of doctors who are classified as disabled people. These are related both to the service they are required to perform in the countryside and the specialty they acquire. The first are provided for by the Articles 23§5, 9§1, and 20§11 of the Laws 2071/1992, 2194/1994, and 2519/1997 respectively, while the second are provided for by the provisions of the Articles 82§3 and 20§11 of the Laws 2071/1992 and 2519/1997 respectively.

According to them, doctors suffering from specific diseases are exempted from the obligation of service in rural areas set in the Legislative Decree (LD) 67/1968. In particular, the diseases that are exempt are the following: thalassemia (except heterozygotes), the homozygous-b thalassemia, hereditary spherocytosis, sickle cell anaemia, haemophilia, leukaemia, multiple sclerosis, kidney disease and cancer while paraplegia and chronic renal failure exempt only if patients on dialysis. Doctors who have been diagnosed by the respective health commission and suffer from a disability of over 67% do not carry this obligation, either.

Regarding the acquisition of specialty, there is the possibility for doctors suffering from leukaemia, multiple sclerosis, kidney disease or cancer to be moved in another specialty, if they cannot continue their specialty
because of this disease. The diagnosis is made by the health commission of the Article 10 and subsequent of the Presidential Decree (PD) 611/1977 and in this case a new contract of duration equal to the time required for the acquisition of new specialty is signed. The remuneration is normally paid, notwithstanding the provisions of the Article 1§4 of the Law 123/1975.

Furthermore, for doctors who suffer from homozygous beta-thalassemia, sickle cell anaemia, haemophilia, leukaemia, multiple sclerosis or kidney disease there is the possibility that they are recruited as supernumerary interns in the hospital or clinic of their choice.
B.4 Actions

In this chapter we examine the actions launched both at a European and at a national level for the benefit of disadvantaged groups of the population. The weight is given to disabled people and their needs in relation to the workplace.

B.4.1 European strategies

B.4.1.1 The “Europe 2020 Strategy”

The “Europe 2020” strategy replaces the “Lisbon Strategy” (23 and March 24, 2000) and the Revised Lisbon Strategy (2005). Among its five 2020 objectives are: a) increasing the employment rate up to 75% at the ages 20-64 years old (men and women) (objective 1) and b) the reduction by 25% of the number of Europeans living below national poverty limit, which in absolute numbers means 20 million European citizens (objective 5). The truth is that disabled people and their families have very low rates as far as the above objectives are concerned, the EU must therefore act accordingly in order to increase their employment and reduce their poverty rates.

The action undertaken by member-states in this context includes the submission to the European Union of: a) Cohesion Programs before the adoption of the budget for next year and b) National Reform Programs, which include information regarding the objectives set by the Strategy. The role of the National Disability Movement appears now critical, since the uptake of measures under these programs regarding the labour and employment of the disabled depends largely on its action and assertive initiatives.

B.4.1.2 The “European Strategy on Disability 2010-2020: A Renewed Commitment to a Barrier-Free Europe”

The policy area “4 – Employment” included in the “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe- 2010 (Brussels, 15-11-2010 - COM (2010), 636 Final)” states that (the Commission) “… will particularly deal with youth with disabilities during the phase of their transition from education to employment […] will strengthen its support to voluntary initiatives that promote the management of diversity at the workplace, such as Maps for
diversity that will have been signed by employers and an initiative for social entrepreneurship. EU action will support national initiatives aiming to: analyse the labour market situation for people with disabilities • combat the tactic of disability benefits and other insidious methods that discourage them from entering the labour market • support their integration into the labour market through the European Social Fund (ESF) • develop active policies for the labour market • improve accessibility to workplaces • develop services dealing with placement in working positions, support and training structures at work • promote the use of the general exemption Regulation which allows the granting of state aid without prior notification to the Commission. Creation of the proper conditions so that most people with disabilities are able to earn their living in an open labour market”.

This strategy aims to tap the full potential offered by the UN Convention on the Rights of Persons with Disabilities, the EU Charter of Fundamental Rights, the Treaty on the Functioning of the EU and the “Europe 2020 Strategy”.

Within the European Disability Strategy 2010-2020 and in compliance with the requirements of the Convention on the Rights of Persons with Disabilities, a Memorandum was signed between the Region of Western Greece and the National Confederation of Persons with Disability (ESAmeA), which was adopted by the regional Council of Western Greece on 31 August 2015. The aim is to develop a common framework for mutual cooperation so as to achieve both the unhindered and equal participation of disabled persons in the local community and the stimulation of local economy. It thoroughly describes activities, actions, initiatives and programs that can be jointly implemented in Western Greece for disabled persons and their families and can be financed from the respective Operational Program.

B.4.2 National Strategies

B.4.2.1 The National Strategy for Social Inclusion

The National Social Inclusion Strategy fills the gap of the Greek social security system, which is characterized by severe institutional and operational weaknesses in safeguarding the rights of vulnerable groups, and could be used as a development tool for the rational promotion of large-scale social investments. The vision is summarized in the following triptych:
• Alleviating inequality with emphasis on the effective protection of the most vulnerable population groups.
• Modernization of public integration policies with emphasis on the active nature of measures and the development dimension of social expenditure.
• Upgrading the cooperation framework among the State, civil society and market, focusing on building strong partnerships to tackle poverty and exclusion.

The beneficiaries of the Strategy are individuals and families threatened by or trapped in poverty and social exclusion, as follows:  

- people in extreme poverty
- children aged 0-17 years old in exclusion situations
- persons in high risk of poverty and social exclusion. The last category, which is a priority group for the National Social Integration Strategy, includes disabled people.

Regarding its structure, the Strategy is divided into three (3) Columns:

- PILLAR 1 “Combating poverty”.
- PILLAR 2 “Access to services”.
- PILLAR 3 “Inclusive Labour Market”.

The Pillars are further divided into four (4) Lines of Action:

i. Fighting extreme poverty (Pillar 1 / Pillar 2).
ii. Preventing and combating exclusion of children (Pillar 1 / Pillar 2).
iii. Promoting integration of vulnerable groups of the population (Pillar 1 / Pillar 2 / Pillar 3).
iv. Effective integration policy governance. The Lines of Action are served by specific Policy Priorities, which in turn are promoted by thematic measures.

Interesting is the third Line of Action “Promoting integration of vulnerable groups of the population”, which comprises the following policy measures under the auspices of Policy Priority “Access of the unemployed in activation services”:

i. Access of vulnerable unemployed groups of the population in non-formal education programmes and informal learning.
ii. Access of unemployed vulnerable groups in active labour market policies and programmes.
   Access of vulnerable unemployed groups in Social Entrepreneurship actions.
B.4.2.2 The Regional Strategy for Social Inclusion and Combating Poverty – The General Framework of Regional Strategy

The Regional Strategy for Social Integration and Combating Poverty specifies and complements the National Strategy for Social Inclusion. It is funded by Programmes and Funds of the programming period 2014-2020 and applies for the period 2014-2020. It focuses on the Region of Western Greece, one of the poorest regions of the country with a significant part of its population below poverty line. Its objective is the formation of a protection grid for vulnerable population groups so as to address the phenomenon of poverty and social exclusion and support groups trying to (re)integrate themselves into labour market. Its strategic objectives (SO) include, inter alia 1. integrating marginalized communities in the Region’s social net and fighting discrimination, and 2. promoting employment. The SO are amplified by the following Priorities, respectively: 1. a. social and economic inclusion of marginalized communities, b. prevention of and dealing with social exclusion of vulnerable groups, and 2. a. support of vulnerable groups of the population with the goal of active integration into the labour market, b. activation of local potential to promote the employment of vulnerable groups. Disabled persons are explicitly included among the beneficiaries.

- Regional Strategy funding sources.

Main funding sources are:
- The State Budget.
- Local Authorities Independent Central Resources.
- Resources of the Region.
- Resources of sectoral, regional and other EU Programmes and Funds mainly under the programming period 2014-2020.
- Private resources.

In particular and as regards our research, main source of funding is the new NSRF (ESPA) 2014-2020 under Thematic Objective 9 of the European Structural and Investment Funds “Promoting social inclusion and combating poverty and discrimination”, which finances, among others, Regional Operational Programme Western Greece 2014-2020 (especially Priority Axes 4 and 5). Other EU programs in the context of European Policies 2014-2020 may be also used to implement additional social inclusion interventions, like the programme “Employment and Social Innovation (EaSI)”.

Legislation, policies and practices related to accessibility
Regional Strategy is structured into 3 levels: i. Lines of Intervention, in correspondence with the Regional Strategy Strategic Objectives. ii. Priorities per Line of Intervention. iii. Types of Action.

The levels of interest combined are examined below:

- Line of Intervention 3: "Integration of marginalized communities and Non-discrimination”.

It aims to inform, raise awareness and mobilize the Region citizens in order to alleviate discrimination based on sex, racial or ethnic origin, religion or belief, age or sexual orientation and to remove the obstacles victims of discrimination are facing in terms of their full participation in society and the labour market. Priorities in this context are social and economic inclusion of marginalized communities on the one hand and dealing with social exclusion of vulnerable groups on the other hand. The basic Type of Action associated with our object is the promotion of equality in opportunities, which aims to support people who face discrimination or obstacles to their social inclusion and their participation in labour market.

Indicative Beneficiaries under the above Type of Action are the following:
- Local Authorities and legal entities.
- Municipalities’ Development Agencies.
- Urban Non Profit Companies.
- NGOs.
- General Secretariat for Gender Equality (GSGE).

- Line of Intervention 4: Promotion of employment

It aims to support vulnerable groups of the Western Greece population in their quest for (re)integration into the labour market. Expected outcomes are social and labour integration / reintegration of people belonging to vulnerable groups and experiencing social exclusion, increase of employability and equal participation of women at risk of or in poverty in the labour market, creation of social enterprises as a way out of poverty and social exclusion, activation of the local community to create jobs for vulnerable groups and strengthen their business activity. Relevant Priorities support the vulnerable groups for active inclusion in the labour market and the activation of local actors for promoting social inclusion and
combating poverty. The Types of Action in support of these Priorities are various and cited below:

1) Actions of active labour market integration for vulnerable groups of the population who are in a disadvantaged position. This type of action has to do with promoting equal opportunities and active participation in order to improve the employability of the Region’s disadvantaged population groups (high risk groups) due to economic, social or other factors. Indicative actions: → training, counselling → employment promotion programmes, such as programmes for the creation of working positions in enterprises, training programmes linked to internships, etc.

2) Realising the potential of Social Economy to promote employment of vulnerable groups. The specific type of action seeks to strengthen social entrepreneurship and job creation in Social Enterprises in order to facilitate access to employment for people belonging to vulnerable groups. Indicative actions: → Operation of a Regional Support Mechanism to Social Cooperative Enterprises and every form of social entrepreneurship → Creation of new and operation of existing social enterprises.

3) Activating local potential to promote employment of vulnerable groups. This type of action seeks to mobilize local actors to address and combat poverty and promote social inclusion of vulnerable groups. It specifically provides for the implementation of local programs to promote employment of vulnerable groups, which may include a comprehensive set of interventions to beneficiaries such as counselling, training / education, mentoring, publicity, awareness, networking, promotion of employment / self-employment, etc.

Indicative Beneficiaries in the first Type of Action are the following:

- Local Authorities and legal entities.
- Municipalities’ Development Agencies.
- Urban Non Profit Companies.
- NGOs.

Indicative Beneficiaries in the context of the second Type of Action are the following:

- Local Authorities and legal entities.
- Municipalities’ Development Agencies.
- Urban Non Profit Companies.
- Ministry of Health and the actors supervised by it.
• 6th Health Region.
• NGOs.

Indicative Beneficiaries under the UNDER (3) are the following:
• Local Authorities and legal entities.
• Municipalities Development Agencies.
• Urban Non Profit Companies.
• Ministry of Health and the actors supervised by it.
• NGOs.
• Workers made redundant, self-employed, temporary staff and fixed-term employees.

B.4.3 Financial instruments and tools for combating poverty and social exclusion

B.4.3.1 European Structural and Investment Funds

In the EU Regulation 1303/2013 on common rules of the European Structural and Investment Funds defines “promoting social inclusion and combating poverty and discrimination” as one of the Funds’ thematic objectives (Objective No 9). This Thematic Objective focuses on developing active inclusion policies to improve employment opportunities, combating discrimination, promoting social economy and social enterprises, etc. Greece is requested to adopt this development promotion policy and cover the respective needs by the National Strategic Reference Framework (NSRF) 2014-2020 and resources of up to 1.3 billion €. The interventions, in particular, will take place in the context of the 13 Regional Operational Programmes and Sectoral Operational Programmes “Human Resources Development – Education and Lifelong Learning” and “Rural Development”.

The NSRF, as far as we are concerned, is financed from the following Funds:

i. The European Social Fund (ESF).

The missions of the European Social Fund and the scope of its supportive activity are provided by EU Regulation 1304/2013. Its activity is responding to the “Europe 2020” Strategy and ensures inclusive development and reducing poverty and unemployment levels. In particular, it is the European instrument aimed to support employment and citizens to find better job opportunities and ensure fairer employment
opportunities for all EU citizens, with focus on improving employment prospects of those facing difficulties finding a job.

During the period 2014-2020, the ESF will provide funding of approximately 80 million € targeted on:
- Integration into employment. The Fund will support projects of organizations all across the EU aimed at training and finding employment. Moreover, it will finance initiatives supporting entrepreneurs with initial capital, and companies facing restructuring or lack of qualified workers.
- Entry of young people in the labour market.
- Social inclusion. Many thousands of projects that help those in difficulty or belonging to disadvantaged groups acquire skills, find work and have the same opportunities like every other citizen will be financed.
- Improving education and training in order to ensure that young people do not leave school and acquire skills that make them more competitive in the labour market.

The resources allocated to Greece by the ESF for this purpose are amounted to 789.18 million € (Thematic Objective 9 “Promoting social inclusion and combating poverty and discrimination”). Specifically, Greece focuses on measures to strengthen financial and social integration of marginalized groups, such as disabled persons (for example by encouraging national and local social enterprises to strengthen integration and offer employment opportunities). These resources will be allocated through the 13 Regional Operational Programmes during the period 2014-2020 and the Operational Programme “Human Resources Development Programme – Education and Lifelong Learning” 2014-2020.

ii. The European Regional Development Fund (ERDF).

This Fund contributes to the promotion of social inclusion and combating poverty through development or improvement of social and health infrastructure, through revitalization of degraded areas, etc. The resources allocated to Greece by the ERDF under Objective 9 are amounted to 213.4 million € and will be channelled through the 13 Regional Operational Programmes 2014-2020.

B.4.3.2 Other Funds and EU Programs

Apart from the Funds mentioned above, there are also other funds and programs that contribute to social inclusion and combating poverty and exclusion, which will be used under the programming period 2014-2020.
It is either EU services or the competent national authorities that are responsible to run these programmes. Indicatively:

i. The Programme for Employment and Social Innovation (EaSI).

Established by the Regulation 1296/2013, it is a financial EU instrument aimed at promoting quality and sustainable high level employment, ensuring sufficient and adequate social protection, combating social exclusion and poverty and improving working conditions. The EaSI, which is directly managed by the European Commission, brings together three EU programs, which were handled separately during the period 2007-2013: PROGRESS, EURES and Microfinance Progress. Since January 2014, these programs are the three pillars of EaSI, supporting: a) modernization of social policy and employment policy – line PROGRESS (61% of total budget), b) job mobility – line EURES (18% of total budget), and c) access to microfinance and social entrepreneurship – line microfinance and social entrepreneurship (21% of total budget). The total budget of EaSI for the period 2014-2020 amounts to 919,469 million euros.

ii. The European Programme “Rights, Equality and Citizenship 2014-2020”.

This program aims to fight racism, xenophobia, homophobia and other forms of intolerance, promote the rights of disabled persons, promote gender equality and the inclusion of gender in policies (gender mainstreaming), prevent violence against children, young people, women, and other groups at risk, ensure the protection of personal data in the EU, etc. Financed activities include training activities, cooperation, exchange of good practices, etc. The Programme also provides assistance to the main actors such as European NGOs and networks as well as government bodies implementing Union law. The total budget of the Programme during 2014-2020 is 439.5 million €. The Programme is run by the European Commission (Directorate General for Justice) and the funding has been channelled to NGOs, public authorities and other organizations for actions serving these goals.

iii. The European Territorial Cooperation Programme URBACT.

It concerns the promotion of integrated and sustainable urban development in EU members, Norway and Switzerland. This program facilitates cities to cooperate and develop integrated solutions to local challenges. The URBACT III will be implemented during the period 2014-2020 and serves four objectives: a) improvement of the ability of cities to
manage sustainable urban policies and practices in an integrated and participatory manner, b) improvement of the design of integrated and sustainable urban policies and local plans of action, c) improvement of the implementation of integrated and sustainable urban policies and local plans of action, and d) making possible the access to knowledge for all those responsible to take decisions on urban development. 70% of the budget will have to do with the following priorities: a) research, technological development and innovation, b) low emission economy, c) environmental protection and intelligent use of natural resources, d) social cohesion and combating poverty, and e) promotion of employment. The total budget of the Programme amounts to 96.3 million € (this sum do not include the contribution of Norway and Switzerland, but the ERDF contribution, National Contribution, and other resources). Beneficiaries of the programme are Municipalities, National and Regional Authorities, Metropolitan Areas, Universities, research centres, etc.

B.4.3.3 Other sources of funding

The European Social Entrepreneurship Funds (EUSEFs) provide funding to social enterprises, which have been extensively presented above (national Law 4019/2021 for Social Entrepreneurship). The establishment and functioning of these Funds is governed by the EU Regulation 346/2013.
References

Part A


**Part B**


Legislation, policies and practices related to accessibility

Rights of People with Disabilities (Σύνοψη της μελέτης συμβατότητας της ελληνικής νομοθεσίας με τη Διεθνή Σύμβαση για τα Δικαιώματα των Ατόμων με Αναπηρία in Greek), E.S.AmeA.


- Project: “Recording of needs and formulation of strategy of Region of Western Greece for the development of manpower and the confrontation of social exclusion” (Καταγραφή αναγκών και διαμόρφωση στρατηγικής Περιφέρειας Δυτικής Ελλάδας για την ανάπτυξη του ανθρώπινου δυναμικού και την αντιμετώπιση του φαινομένου της φτώχειας και του κοινωνικού αποκλεισμού στο πλαίσιο του ΠΕΠ Δυτικής Ελλάδας 2014-2020 – in Greek) 2nd Issue, Region of Western Greece, 2015.

Links

http://www.esaea.gr/

http://www.eydamth.gr/


http://gr.ettad.eu/

http://www.cieel.gr/gr/index.jsp

http://www.internationaldisabilityalliance.org/en

http://www.edf-feph.org/

http://eur-lex.europa.eu/homepage.html
http://workability.gr/