

The impact of the Racial Equality Directive:
a survey of trade unions and employers
in the Member States of the European Union

Greece

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1. Demographic background

Greece is located in Southern Europe, bordering Albania, FYROM, Bulgaria, and Turkey. It covers an area of 131,940 sq km consisting of land and sea. According to 2009 Eurostat data, there is an estimated total population of 11,262,539. Over one third of the population lives in the area of Athens where about 56% of industry is located. In the last twenty years there has been a series of migration influxes that have changed Greece's demographics, transforming it from a mainly sender country into a receiving one. The migrant population accounts for approximately 10% and can be categorised as follows: repatriated co-ethnic returnees, such as Pontic Greeks from the ex-Soviet Union and ethnic Greek Albanians (Vorioepiotes); EU citizens; immigrants from Eastern and Central Europe, the former Soviet Union and third country nationals; and a smaller number of returning Greek migrants from northern Europe, the US, Canada and Australia¹. This estimate also includes undocumented migrants. Migrants make up nearly 20% of the workforce, and work mainly in manual jobs. The main minority group, Muslim Greeks, is recognised as a religious minority by the Lausanne Treaty. The group consists of Pomaks, Turks and Muslim Roma and is based in North-Eastern Greece. The Roma population in Greece is estimated at between 250,000 and 300,000².

2. Industrial relations background

Greece is a capitalist economy whose public sector still accounts for about 40% of GDP. Its per capita GDP is about 70% of that of the leading euro zone economies. Since the 1990s a new legal framework for bargaining (Law 1876/1990) was introduced, removing state intervention and promoting social dialogue between employers and employee organisations as a means of stimulating collective bargaining and settling industrial disputes. Two independent bodies have been established as part of the new collective system of industrial relations: the Mediation and Arbitration Service (OMED) and the Economic and Social Committee (OKE), which is based on the tripartite representation of interests: employers, employees, and a third category (farmers, independent professions, local government, and consumers) whose representation and presence depends on the particular issue discussed. The two main actors are trade unions and employer organisations.

Trade unions in Greece are organised on the basis of occupation or occupational category and consist of three levels of representation: a primary level that includes organisations possessing the legal form of a trade union (*somateio*) as well as local branches of unions with the informal status of an association of persons (*enosi prosopon*); a secondary level (labour centres and federations); and a tertiary level (confederations). The two confederations are the Greek General Confederation of Labour (GSEE) which was founded in 1918 and includes all trade unions covering private sector employees, and the Confederation of Public Servants (ADEDY). This latter was founded in 1947 and includes public sector unions. The average union density in Greece is about 30%, but membership is much higher in public sector unions than in private sector ones (Fulton, 2007). This figure represents a decline

¹Gropas and Triandafyllidou, 2005

² see Pavlou 2009 and European Roma Rights Centre at <http://www.errc.org/cikk.php?cikk=400>

from the 1980s when union representation in both public and private sector rose in response to overall economic stagnation and de-industrialisation (Eurofound, 2007).

Employers' interests are represented by three different national organisations, the Federation of Greek Industry (SEV); the National Confederation of Greek Commerce (ESEE), which represents retailing and trading concerns; and the General Confederation of Professional Craftsmen and Small Manufacturers of Greece (GSEBEE).

In terms of consultation on anti-discrimination measures, our interviews suggested that social dialogue is relatively weak, with most of the interviewees reporting that their union or company had not been involved with any consultations on the transposition of the Directive. The only exception is GSEE and SEV involvement through OKE, but the INE-GSEE interviewee noted that these discussions have no authority nor are even taken into account by the government. Two reasons have been identified for the lack of consultation. First, this may have flowed from the slow process of transposition in Greece. The INE-GSEE interviewee noted *'the government perceives the Directive as a weight that needs to be lifted so the country is not fined again'*. Second, a public sector union interviewee believed the incomplete incorporation of the equality directives into Greek legislation is responsible:

Although these Directives did exist, they were never essentially fully transposed because these Directives also foresee the agreement to reverse the burden of proof, that is, if a case goes to the court, the employer is obliged to prove that discrimination did not take place. This never happened in Greece. There is a difference between giving a general lead against discrimination and taking measures to combat it. The situation is so liquid that people who experience discrimination do not go to courts.

3. Trade union and Employer awareness

3.1 Trade Union interviewees

The majority of Trade Union interviewees were aware of growing activity amongst unions, NGOs and other organisations in the area of race and ethnicity mainly because of the increasing number of migrants that have entered the country in the last decade. But they also believe that migrants or minority worker groups have very little knowledge of their rights and there is insufficient information made available by the government. The EKA trade union interviewee gave these examples:

The government has produced public information films for the TV. That is, people would need to watch TV to see them. It would have been more effective to target these groups through their community newspapers which are published in their language – this does not happen and not all speak Greek to understand the TV or have a TV set, for example in the case of Roma. Also, the government produced a leaflet about permits in eight languages that was going to be available at KEP (Citizen Service Centres). But when we went to KEP none were available. The Union reported this and found afterwards only a few thousand of them had been made available.

In addition most union representatives mentioned that their union was not approached directly by members with racial/ethnic related complaints partly because of the low levels of awareness and inadequate cover, but also because the majority of their members are from the public sector that employs only Greek citizens. This last point is noteworthy and an HLHR-KEMO (NGO) interviewee highlighted that *'in Greece the Directive has been incorporated without reference to citizenship and in Greece some jobs require Greek citizenship, which is not considered discriminatory by the Directive... there are many debates in the area of human rights about whether this is discriminatory.'*

Furthermore, most union responses were in relation to migrants and not minorities and the interviewer had to prompt interviewees that Roma and members of the Muslim minority in Western Thrace could also become victims of race/ethnic discrimination although they were Greek citizens. The ADEDY and POE-OTA interviewees reported some cases of discrimination over which their unions intervened. For example, over the inflexible recruitment system of the Greek state: a group of Roma cleaners were to be employed by a Greek municipality, but one requirement for recruitment was possession of a Secondary school certificate. Roma people are usually both a disadvantaged and a socially excluded group and often with very low levels of education and qualifications so they rarely possess any formal qualifications.

3.2 Employer awareness

The SEV employers' confederation did participate in discussions at the OKE on the Racial Equality Directive during 2004 on the 3304 legislation (relevant to Racial Equality Directive) and on law 3488/2006 which covers gaps in the previous legislation. Its interviewee commented: *'in general when there is a new law, the government refers it to the social partners and SEV to participate in discussions at the Ministry of Labour and Social Insurance'*. However, although the individual employer respondents were aware of the new legislation and had a good understanding of Greek labour laws, they had not received information on the Directive. None had participated in consultations with the government for the incorporation of the Racial Equality Directive into Greek legislation but they thought it would have been useful if they had. Some interviewees noted that the government has not been particularly proactive in disseminating information to employers about the Directive and the legislation. The Coco Mat employer explained that this information would have been helpful to employers as *'during the last year there have been some problems such as spreading violence and employers have been more cautious in recruiting minority workers.'*

All the employer interviewees thought that there has been an increase of awareness on issues of race/ethnicity in the Greek society but there is a shortfall in disseminating information. The Techni Pantelos company interviewee explained:

Despite many informative events being organised by various employment organisations or the chambers of commerce, no information was disseminated on the issue of discrimination. The main focus of such events is on investment opportunities or various EU projects and collaborations.

Three main themes in terms of awareness can be extracted from the employer interviews. First, employers from North Greece noted that they have always employed minority members and the incorporation of the Directive has not influenced this

recruitment. They thought that there could be more tensions in Athens because migration there is relatively recent while the North-Eastern part of Greece has always been a multicultural region with much more awareness of such issues.

Second, a distinction exists between large and small companies. In contrast with small firms, large ones usually have all procedures in place and their Human Resources department are usually well informed on labour law. Additionally, large companies usually have the capacity to include a corporate responsibility department. However, the Greek economy as a whole consists mainly of small businesses (plus the agricultural sector), which do not possess the management structures to address such issues.

Third, in terms of employee information, the interviewees thought that few workers would know about rights and/or obligations or any changes in legislation as the majority of migrant or ethnic minority employees have very low qualifications, face linguistic problems and are in low skilled positions. By contrast, there is raised awareness amongst highly qualified employees such as those at Athens International Airport. This point was illustrated by the ADEDY union interviewee who, while commenting on the economic crisis and the importance of additional measures to combat discrimination in Greece, added:

Even if legislation was applied, people might be scared to talk. Other measures are needed such as change of the economic and political structure. Currently, we have situations that are beyond the labour law. Migrants are very vulnerable, especially the ones with status problems, and cannot demand their rights. This usually happens in the private sector and with people that have low qualifications. These people experience a lot of oppression.

4. Comments on the Equality Body

All the unions interviewed reported having very well developed links with Equality Bodies, NGOs and employer bodies. Most of these links have been created through partnerships in previous projects mainly in EQUAL, through cases of common interest (for example close links between the EKA union and Roma organisations) or through other networking events such as seminars, workshops or one-day events. The INE-GSEE interviewee explained that for his union such cooperation was developed through EQUAL and it has remained strong since the end of the programmes: *'All this is new for Greece as migration is a recent phenomenon, therefore such networks are usually newly created and function with the purpose of raising awareness and partnerships in projects'*.

More specifically, commenting on the Equality Bodies, union interviewees reported cooperating with the Greek Ombudsman, the General Secretary for Gender Equality and the Equality Body of the Central Association of Cities and Communities of Greece (KEDKE). Secondary and first level unions mainly worked with other organisations at Confederation level, although some did work with external organisations where it was relevant to them. For example, the POE-OTA worked with KEDKE's council on ROMA, and KEMETE-OLME worked with the Greek Ombudsman on the issue of migration. One union interviewee reported that sometimes equality bodies might have their own agendas and concluded that caution is needed when developing cooperation. Overall, all participants in the study noted

that equality bodies and social partnerships in Greece are not as developed as in other European countries. Generally, there was a positive image of the Greek Ombudsman as an institution and some interviewees thought that it should be supported further.

In terms of employer confederations, SEV has close links and participates in public consultation with the Greek Ombudsman. Some individual employers also had links with equality bodies. For example the Municipality of Komotini has close links with the Equality Body of the Central Association of Cities and Communities of Greece (KEDKE) and Coco Mat reported close links with disability organisations.

5. Trade Union and Employer policies and measures

5.1 Trade Union policies and measures

All interviewees explained that the role of the Trade Unions has always been to support members against any discriminatory practices and in this respect no major changes have been introduced to their mission or policy. But, as migration has intensified in the last decade there is an increased activity in relation to these issues, especially for primary level unions like EKA that are usually the first point of call both for members and non-member workers. However, only one of the interviewee Trade Unions has actually posted the legislation on its web site (without making any direct reference to the Directive). The INE-GSEE trade union interviewee believed:

Unions do not have the appropriate reflexes. However this should be put within the country perspective. Although these are very important issues, Greece has many problems relating for example to unemployment and the economic crisis so in practice, social issues such as race/ethnic discrimination become secondary.

Other interviewees suggested that the lack of specific union policies on racial/ethnic discrimination flowed from the way the Directive was incorporated into Greek legislation, in which the victims of discrimination are not empowered to take substantive action.

Despite such drawbacks, the trade union interviewees identified various examples that reflect their anti-discrimination practices. In the workplace, primary level unions work closely with the Labour Inspectorate body. The EKA union interviewee explained one case:

An Iraqi worker was racially abused at work and in the end he was sacked. He came to the union with this complaint. The union realised that in addition to the verbal abuse the Iraqi worker was not properly paid. The union made an intervention to the employer through the inspectorate and because of the irregular payment patterns the employer was fined.

Other practices at workplace-level include directly approaching the employer or making all necessary checks on private contractors: in the Kouneva³ case, although a private contractor employed the women involved, they were working in public transport premises. The ADEDY public sector union interviewee said: *'HSAP (public transport) tried to follow the rules. But the women were too scared and did not want to raise complaints; they all said they were happy with the private contractor. There is a general fear.'*

In relation to labour market discrimination, trade union interviewees highlighted their participation in programmes with anti-discrimination outcomes such as EQUAL and the organisation of special events, for example as part of the European Year of Equal Opportunities for All and the European Year of Intercultural Dialogue and the Directives. Their close cooperation with NGOs was emphasised as an additional advantage, which can lead to innovative solutions. For example a teacher approached the union to help promote an innovative educational system for Roma to enable them to enter the labour market. The EKA union put him in touch with the Roma communities with whom they maintain close links.

At national level the unions take broader action, which always underlines union principles. For example, local government handles work permit applications (for which migrants have to pay a fee) and as an incentive the government provides a commission for municipal employees per each application. The POE–OTA union interviewee stated:

We as a union oppose the migrant payment because we perceive it as a racist act; and we are also against the municipal employees' commission because employees are paid a wage for their job. Despite the pressure from municipal employees the union has not changed its position on this.

Trade unions also support broader political campaigns. The KEMETE-OLME union interviewee expressed views about the teaching of various lessons without any nationalistic bias and that schools should not be involved in teaching that implies superiority of the Greek (or any other nation's) population. Finally, a close cooperation with other unions is another tactic that can help combat discrimination. For example, the EKA union received information on a case involving low wages, substandard living conditions and blackmail against a group of undocumented migrants working in the agricultural sector in North Greece. Close cooperation between the EKA union and the local union in the area brought successful results.

5.2 Employer policies and measures

Employers did not introduce special measures after the introduction of the Directive into Greek legislation and explained that they have always followed the Greek labour law on these issues. No information was disseminated to employers regarding the Directive. A HRM management interviewee at the International Airport explained: *'We know about the Directive as part of employment law rather than from specific information sent to us by the government or the EU. This is my job, looking at the legislation.'*

³ The case involves an assassination attempt against an active female Bulgarian trade unionist working for the private sector cleaning public areas. The case is still under examination and although it could be employment related it is noteworthy, as it has a strong race and gender aspect.

Employers reported that they have not experienced any cases of discrimination but if such cases did occur they have the management procedures in place because they are functioning according to modern business standards and/or have had long experience in recruiting minority and migrant workers. The main priority of these employers is to find suitable candidates for the positions, regardless of ethnicity. The Coco Mat interviewee described:

The company started in 1989 in Athens. Then it created its factory in Xanthi, a region also inhabited by the Muslim minority and the company did receive many applications from members of the minority. It is a fundamental principle of the company to look at the skills and educational background of the candidates rather than the external characteristics such as colour or race or ethnicity.

The employer interviewees mentioned a range of measures and practices in their business that can reduce chances for discrimination. At work it was considered essential to provide a high quality working environment (International Airport); to introduce inclusive measures such as a welcoming pack or a newsletter (Coco Mat); and to meet all employer obligations such as Health and Safety certificates, health and pension contributions and provision of wages according to the law (International Airport, Techni Pantelos, Municipality). In terms of gender, employers noted that despite the existence of equality legislation in Greece more effort is needed (Techni Pantelos, Coco Mat).

At a national level the employers' organisation explained the importance of organising seminars or events which contribute to generating more information. A SEV interviewee reported: '*SEV participates in EQUAL and as part of actions 2004 and 2005 it has organised various events to raise awareness about equality. More events and campaigns are needed*'. According to the Coco Mat interviewee, active support of such events from companies reveals higher awareness and willingness of employers to adopt a well balanced business environment.

Other measures noted during the interviews include the adoption of equality issues in the company's Code of Practice. The International Airport HRM interviewee claimed:

Our employees are the source of our success, we treat each other with respect, we promote team work, and we offer secure and healthy working conditions in a company environment that encourages personal fulfilment, provides equal opportunities and rewards employee success.

The provision of a supportive management structure is also crucial. The Coco Mat employer interviewee explained that the company did not need to introduce any changes following the Directive because from its very beginning (in the 1980s) it had adopted equal opportunities and equal treatment policies:

It is part of the company's culture to create a 'flat management structure' which creates more equality... We do believe that we are a model company that gives equal opportunities, employs minorities, and employs disabled people. But this is not a marketing tool or something quantifiable. This is a policy that makes us feel

good as a company but we have also seen positive results from this multicultural approach as our company has seen rapid and considerable expansion.

Another emphasis, according to SEV, has been the incorporation of an anti-discrimination policy culture for women. The interviewee claimed that: *'We promote the active participation of women in very responsible positions within the organisation and we do not have a 'glass ceiling' culture with regard to female careers'*.

6. Views on how better to tackle discrimination

Trade Union interviewees made several suggestions on how the Directive could be more effective. Some suggestions related to the role of the state and included the proper incorporation and adaptation of the Directive into the Greek situation and within the framework of the Greek legislation. The ADEDY interviewee added:

Legislation should be introduced to oblige employers to follow the laws. Trade Unions supported some actions – these actions were co-signed by ADEDY- but we cannot say that there has been a significant result on the particular issue, it has been an issue for Greek society.

The unions also called for a wider and increased dissemination of information by the government. Other suggestions refer to state administration and introduction of efficient procedures for inspecting the appropriate application of the Directive and a more resourceful labour inspectorate body that works with the unions. There were also suggestions for further cooperation with closer communication between migrant organisations and unions, the development of solidarity, more involvement and support for NGOs, and an overall change in the society's attitude.

Employers made suggestions for a more concentrated effort from government in raising awareness amongst employers and migrant networks and other organisations like the unions. They also argued for a general societal change in attitudes. Finally, more specific to employers' needs, interviewees considered that a reduction in bureaucratic processes in terms of work permits would help companies in recruitment and special incentives or tailor-made guidance would help companies to deal with anti-discrimination issues.

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