

(English version)

**Question for written answer E-001474/25
to the Commission
Elena Kountoura (The Left)
(9 April 2025)**

Subject: Violation of Directive 1999/70/EC on the grounds of discrimination against substitute teachers in Greece in cases of serious illness

In Greece, there are situations where substitute teachers who have been diagnosed with serious and hard-to-treat illnesses are discriminated against in terms of labour and other rights in comparison with their permanent colleagues. The competent authorities of the Ministry of Education reject requests for online work or additional days of sick leave during treatment and recovery periods, on the grounds that they are not provided for by the current institutional framework ⁽¹⁾. The only solution is to return to work immediately following the end of the treatment or recovery period — during which they are not paid a salary ⁽²⁾.

Having regard to Article 54(1) and (3) of Greek Law 3528/2007 (the Civil Servants' Code), the infringement of EU law due to the incorrect transposition into Greek law of Council Directive 1999/70/EC, which prohibits discrimination against workers on fixed-term contracts, and the infringement procedure initiated by the Commission against Greece (INFR(2024)4013) ⁽³⁾, as well as the inhuman dilemma faced by substitute teachers in Greece, whereby they have to choose between earning a salary or getting treatment in the event of a serious illness, can the Commission say:

1. Is it aware of these cases of discrimination in Greece between workers with different types of contracts as regards sick leave and other employment rights?
2. What steps does it intend to take to ensure equal rights for severely ill workers in Greece, regardless of their contract type?

Submitted: 9.4.2025

**Answer given by Executive Vice-President Mînzatu on behalf of the European Commission
(23 May 2025)**

The Commission is aware that Greek law contains less favourable employment conditions for fixed-term teachers working in public schools compared to permanent teachers, including differences in relation to access to sick leave.

For that reason, on 25 July 2024, the Commission decided to open an infringement procedure by sending a letter of formal notice to Greece (INFR(2024)4013) ⁽¹⁾ for failing to correctly transpose into national law the framework Agreement on fixed-term work annexed to Council Directive 1999/70/EC ⁽²⁾, which prohibits discrimination against fixed-term workers.

The explanations received from the Greek authorities were considered unsatisfactory and, consequently, on 7 May 2025, the Commission decided to take a next step in the infringement proceedings and issued a reasoned opinion to Greece ⁽³⁾, which now has two months to respond and take the necessary measures. In the absence of a satisfactory response, the Commission may decide to refer Greece to the Court of Justice of the European Union.

¹ In fact, Article 657 of the Civil Code expressly states that an employee's claim to a salary may be retained even when the employee is not working, provided that the impediment to work is due to an important reason, such as the illness of the employee, as is apparent from the provisions of Articles 660 and 661 of the Civil Code, Article 5(3) of Law 2112/1920 (Government Gazette A, No 67), Article 8 of Royal Decree 16/18-7-1920 and Article 3 of Law 4558/1930 (Government Gazette A, No 124), and as also sustained by the case-law of the courts (Decision 826/2011 of the Court of First Instance in Athens, Decision 542/2010 of the Supreme Court, Decision 4214/2010 of the Court of Appeal of Athens, and others).

² See for example: https://www.alfavita.gr/ekpaideysi/473918_eipan-se-anaplirotiria-na-dialexei-i-tin-therapeia-toy-karkinoy-tis-i-merokamato.

³ Greek law contains less favourable employment conditions for fixed-term teachers working in public schools compared to permanent teachers, for instance as regards sick leave.

⁽¹⁾ [https://ec.europa.eu/implementing-eu-law/search-infringement-decisions/?lang_code=en&langCode=EN&version=v1&typeOfSearch=byDecision&refId=INFR\(2024\)4013&page=1&size=10&order=desc&sortColumns=decisionDate](https://ec.europa.eu/implementing-eu-law/search-infringement-decisions/?lang_code=en&langCode=EN&version=v1&typeOfSearch=byDecision&refId=INFR(2024)4013&page=1&size=10&order=desc&sortColumns=decisionDate).

⁽²⁾ Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by the European Trade Union Confederation (ETUC), the Union of Industrial and Employers' Confederations of Europe (UNICE) and the European Centre of Enterprises with Public Participation (CEEP), OJ L 175, 10.7.1999, p. 43-4 — <https://eur-lex.europa.eu/eli/dir/1999/70/oj/eng>.

⁽³⁾ More information is available in the following link: https://ec.europa.eu/commission/presscorner/detail/en/inf_25_982.