

SUMMARY

# **ECJ 8 October 2020, Case C-644/19 (Universitatea „Lucian Blaga” Sibiu and Others), Age Discrimination, Fixed- Term Work**

## ***FT – v – Universitatea « Lucian Blaga » Sibiu and Others, Romanian case***

### **Summary**

Difference in treatment of teaching staff not found to be age discriminatory, but may be in breach of the fixed-term work directive.

### **Questions**

Must Articles 1 and 2 of Directive 2000/78 be interpreted as precluding the application of national legislation under which, among members of the teaching staff of a university continuing to work there after reaching the statutory retirement age, only lecturers with doctoral supervisor status may retain their status as tenured lecturers, while lecturers without doctoral supervisor status may conclude only fixed-term employment contracts with that establishment, which include a system of lower remuneration than that for tenured lecturers? Must Clause 4(1) of the framework agreement be interpreted as precluding the application of national legislation under which, among members of the teaching staff of a university continuing to work there after reaching the statutory retirement age, only lecturers with doctoral supervisor status may retain their status as tenured lecturers, while lecturers without doctoral supervisor status may conclude only fixed-term employment contracts with that establishment, which include remuneration which is lower than that for tenured lecturers?

### **Ruling**

Articles 1 and 2 of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation must be interpreted as not being applicable to national legislation under which, among members of the teaching staff of a university continuing to work there after reaching the statutory retirement age, only lecturers with doctoral supervisor status may retain their status as tenured lecturers, while lecturers without doctoral supervisor status may conclude only fixed-term employment contracts with that establishment, which include a system of lower remuneration than that for tenured lecturers.

Clause 4(1) of the Framework Agreement on fixed-term work, concluded on 18 March 1999, which is annexed to Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP must be interpreted as precluding the application of national legislation under which, among members of the teaching staff of a university who continue to work there after reaching the statutory retirement age, only lecturers with doctoral supervisor status may retain their status as tenured lecturers, while lecturers without doctoral supervisor status may conclude only fixed-term employment contracts with that establishment, which include a system of lower remuneration than that for tenured lecturers, to the extent that the first category of lecturer is composed of permanent workers comparable to the workers in the second category, and that the difference in treatment arising, in particular, from the system of remuneration in question is not justified by an objective reason, which it is for the referring court to determine.

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**Creator:** European Court of Justice (ECJ)

**Verdict at:** 2020-10-08

**Case number:** C-644/19