

SUMMARY

ECJ 18 November 2020, Case C-463/19 (Syndicat CFTC), Gender Discrimination

***Syndicat CFTC du personnel de la Caisse primaire d'assurance
maladie de la Moselle - v - Caisse primaire d'assurance maladie de la
Moselle, French case***

Summary

A national collective agreement may reserve to mothers alone an additional maternity leave, as long as it seeks to protect them from the effects of pregnancy and motherhood.

Questions

Must Directive 2006/54 be interpreted as precluding a provision of a national collective agreement which reserves to female workers who bring up their children on their own the right to leave after the expiry of their statutory maternity leave, since male workers are refused the right to such leave?

Ruling

Articles 14 and 28 of Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, read in the light of Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), must be interpreted as meaning that they do not preclude a provision of a national collective agreement which reserves to female workers who bring up their child on their own the right to leave after the expiry of the statutory maternity

leave, provided that such leave is intended to protect workers in connection with the effects of pregnancy and motherhood, which is for the referring court to ascertain, taking into account, inter alia, the conditions for entitlement to the leave, its length and modalities of enjoyment, and the legal protection that attaches to that period of leave.

Creator: European Court of Justice (ECJ)

Verdict at: 2020-11-18

Case number: C-463/19