

SUMMARY

ECJ 15 April 2021, Case C-511/19 (Olympiako Athlitiko Kentro Athinon), Age Discrimination

AB- v – Olympiako Athlitiko Kentro Athinon – Spyros Louis, Greek case

Summary

Application of labour reserve system following the Greek financial crisis not found contrary to EU law. The difference in treatment on grounds of age established by that system pursues a legitimate labour-policy objective and the means of achieving that objective are appropriate and necessary.

Question

Must Article 2 and Article 6(1) of Directive 2000/78 be interpreted as precluding national legislation under which public-sector workers who, during a given period, fulfil the conditions for drawing a full pension are placed under a labour reserve system until the termination of their contract of employment, something which entails a reduction in their pay, the loss of potential advancement and the partial or even total cancellation of the severance pay to which they would have been entitled on termination of their employment relationship?

Ruling

Article 2 and Article 6(1) 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 precluding national legislation under which public-sector workers who, during a given period, fulfil the conditions for drawing a full pension are placed under a labour reserve system until the termination of their contract of employment, which entails a reduction in their pay, the loss of their possible advancement and the partial or even total cancellation of

the severance pay to which they would have been entitled on termination of their employment relationship, where that legislation pursues a legitimate employment-policy objective and the means to achieve that objective are appropriate and necessary.

Creator: European Court of Justice (ECJ)

Verdict at: 2021-04-15

Case number: C-511/19