

## SUMMARY

# **ECJ 19 October 2023, case C-660/20 (Lufthansa CityLine), Working time, Part time work, Other forms of discrimination**

## ***MK – v – Lufthansa CityLine GmbH, German case***

### **Summary**

National legislation which makes the payment of additional remuneration for part-time workers and comparable full-time workers uniformly contingent on the same number of working hours being exceeded in a given activity give rise to less favourable treatment of part-time workers, which is contrary to EU law, unless such treatment is justified on objective grounds.

### **Questions**

Must Clause 4.1 of the Framework Agreement on part-time work be interpreted as meaning that national legislation which makes the payment of additional remuneration for part-time workers and for comparable full-time workers uniformly contingent on the same number of working hours being exceeded in a given activity, such as a pilot's flight duty, must be regarded as 'less favourable' treatment of part-time workers within the meaning of that provision?

Must Clauses 4.1 and 4.2 of the Framework Agreement on part-time work be interpreted as precluding national legislation which makes the payment of additional remuneration for part-time workers and comparable full-time workers uniformly contingent on the same number of working hours being exceeded in a given activity, such as a pilot's flight duty, in order to compensate for a workload particular to that activity?

## **Ruling**

Clause 4.1 of the Framework Agreement on part-time work must be interpreted as meaning that national legislation which makes the payment of additional remuneration for part-time workers and comparable full-time workers uniformly contingent on the same number of working hours being exceeded in a given activity, such as a pilot's flight duty, must be regarded as a 'less favourable' treatment of part-time workers within the meaning of that provision.

Clause 4.1 and 4.2 of the Framework Agreement on part-time work must be interpreted as precluding national legislation which makes the payment of additional remuneration for part-time workers and comparable full-time workers uniformly contingent on the same number of working hours being exceeded in a given activity, such as a pilot's flight duty, in order to compensate for a workload particular to that activity.

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

**Verdict at:** 2023-10-19

**Case number:** C-660/20