

SUMMARY

ECJ 30 November 2023, case C-270/22 (Ministero dell’Istruzione en INPS), fixed-term work

G.D., A.R., C.M. – v – Ministero dell’Istruzione, Istituto nazionale della previdenza sociale (INPS), Italian case

Summary

National legislation which, for the purposes of recognizing the length of service of a worker upon his or her establishment in employment, excludes periods of service completed under fixed-term employment contracts that do not amount to 180 per academic year, exceeds what is necessary and is thereby precluded by clause 4 of the framework agreement on fixed-term work.

Question

Must clause 4 of the framework agreement on fixed-term work be interpreted as precluding national legislation which, for the purposes of recognising the length of service of a worker upon his or her employment as a career civil servant, excludes periods of service completed under fixed-term employment contracts that do not amount to 180 days per academic year or are not carried out continuously between 1 February and the end of the final assessment of the pupils, irrespective of the actual number of hours worked, and limits to two thirds periods of service reaching those thresholds beyond four years, subject to the reinstatement of the remaining third after a certain number of years of service?

Ruling

Clause 4 of the framework agreement on fixed-term work must be interpreted as precluding national legislation which, for the purposes of recognising the length of service of a worker upon his or her establishment in employment as a career civil servant, excludes periods of

service completed under fixed-term employment contracts that do not amount to 180 days per academic year or that are not carried out continuously between 1 February and the end of the final assessment of the pupils, irrespective of the actual number of hours worked, and which limits to two thirds the taking into account of periods of service reaching those thresholds beyond four years, subject to reinstatement of the remaining third after a certain number of years of service.

Creator: European Court of Justice (ECJ)

Verdict at: 2023-11-30

Case number: C-270/22