

SUMMARY

ECJ 22 February 2024, case C-649/22 (Randstad Empleo and Others), temporary agency work

XXX – v – Randstad Empleo ETT SAU, Serveo Servicios SAU, Axa Seguros Generales SA de Seguros y Reaseguros, Spanish case

Summary

National legislation which allows temporary agency workers to receive less compensation for total permanent incapacity from an accident at work compared to directly recruited workers in similar situations, is not compatible with EU-law.

Question

Must the first subparagraph of Article 5(1) of Directive 2008/104/EC, read in conjunction with Article 3(1)(f) thereof, be interpreted as precluding national legislation, as interpreted by national case-law, under which the compensation to which temporary agency workers are entitled in respect of a total permanent incapacity to carry out their usual occupation as a result of an accident at work sustained at the user undertaking and resulting in the termination of their temporary employment relationship, is less than the compensation to which those workers would be entitled, in the same situation and on the same basis, if they had been recruited directly by that user undertaking to occupy the same job for the same period of time?

Ruling

The first first subparagraph of Article 5(1) of Directive 2008/104/EC, read in conjunction with Article 3(1)(f) thereof, must be interpreted as precluding national legislation, as interpreted by national case-law, under which the compensation to which temporary agency workers are entitled in respect of a total permanent incapacity to carry out their usual occupation as a

result of an accident at work sustained at the user undertaking and resulting in the termination of their temporary employment relationship, is less than the compensation to which those workers would be entitled, in the same situation and on the same basis, if they had been recruited directly by that user undertaking to occupy the same job for the same period of time.

Creator: European Court of Justice (ECJ)

Verdict at: 2024-02-22

Case number: C-629/22