

SUMMARY

ECJ 20 June 2024, case C-367/23 (Artemis security), working time

EU – v – Artemis security SAS, French case

Summary

EU-law does not preclude national legislation from requiring night workers to provide proof of the harm caused by the employer's failure to comply with the national provisions by not providing night workers a free health assessment.

Question

Must Artikel 9(1)(a) of Directive 2003/88 be interpreted as precluding national legislation under which, in the event of an infringement by the employer of the national provisions implementing that provision of EU law and providing that night workers are entitled to a free health assessment before their assignment and thereafter at regular intervals, the right of the night worker concerned to compensation for that infringement is subject to the condition that the worker provides proof of the harm suffered by him or her as a result of the infringement?

Ruling

Article 9(1)(a) of Directive 2003/88 must be interpreted as not precluding national legislation under which, in the event of an infringement by the employer of the national provisions implementing that provision of EU law and providing that night workers are entitled to a free health assessment before their assignment and thereafter at regular intervals, the right of the night worker concerned to compensation for that infringement is subject to the condition that that worker provides proof of the harm caused to him or her as a result of the infringement.

Creator: European Court of Justice (ECJ)

Verdict at: 2024-06-20

Case number: C-367/23