

SUMMARY

ECJ 19 September 2024, case C-439/23 (Consiglio nazionale delle Ricerche), fixed-term work

KV – v – Consiglio Nazionale delle Ricerche (CNR), Italian case

Summary

The length of service accrued by a worker under his or her fixed-term employment contracts before the expiry of the deadline for the transposition of Directive 1999/70, continue to characterize his or her situation for the purpose of determining that worker's remuneration.

Question

Must clause 4.1 of the framework agreement on fixed-term work be interpreted as precluding the length of service accrued by a worker under fixed-term employment contracts which were performed in full or in part before the date of expiry of the deadline for the transposition of Directive 1999/70 not being taken into account for the purpose of determining that worker's remuneration upon his or her recruitment on a permanent basis after that date?

Ruling

Clause 4.1 and 4.4 of the framework agreement on fixed-term work must be interpreted as precluding the length of service accrued by a worker under fixed-term employment contracts which were performed in full or in part before the date of expiry of the deadline for the transposition of that directive not being taken into account for the purpose of determining that worker's remuneration upon his or her recruitment on a permanent basis after that date, unless that exclusion is justified on objective grounds.

Creator: European Court of Justice (ECJ)

Verdict at: 2024-09-19

Case number: C-439/23