

SUMMARY

ECJ 17 October 2024, case C-322/23 (Lufoni), Fixed-term work

ED - v - Ministero dell’Istruzione e del Merito, Istituto nazionale della previdenza sociale (INPS), Italian case

Summary

National legislation with a reinstatement mechanism concerning the calculation of the length of service that a worker acquired for a series of fixed-term contracts, is not compatible with clause 4 of the framework agreement on fixed-term work. The existence of less favourable treatment must be assessed objectively and future factors may not be taken into account.

Question

Must clause 4 of the framework agreement on fixed-term work be interpreted as precluding national legislation which, for the purposes of recognition of the length of service of a worker upon his or her appointment to the permanent staff as a career civil servant, limits to two-thirds the taking into account of the periods of service completed, beyond four years, under fixed-term work contracts, including where, after a certain number of years of service, the remaining one-third of the periods of service is reinstated solely for salary purposes?

Ruling

Clause 4 of the framework agreement on fixed-term work must be interpreted as precluding national legislation which, for the purposes of recognition of the length of service of a worker upon his or her appointment to the permanent staff as a career civil servant, limits to two-thirds the taking into account of the periods of service completed, beyond four years, under fixed-term contracts, including where, after a certain number of years of service, the remaining one-third of the periods of service is reinstated solely for salary purposes.

Creator: European Court of Justice (ECJ)

Verdict at: 2024-10-17

Case number: C-322/23