

SUMMARY

# **ECJ 10 April 2025, case C-584/23 (Alcampo and Others), Gender discrimination**

***Asepeyo Mutua Colaboradora de la Seguridad Social n° 151, KT – v –  
Instituto Nacional de la Seguridad Social (INSS), Tesorería General de  
la Seguridad Social (TGSS) and Others, Spanish case***

## **Summary**

Legislation which provides that the permanent incapacity pension as a result of an accident at work is determined on the basis of the worker's actual remuneration on the date of the accident, cannot be considered as putting a specific category of workers, which is predominantly made up of women, at a particular disadvantage.

## **Question**

Must Article 4(1) of Directive 79/7 be interpreted as precluding national legislation of a Member State which provides that a permanent incapacity pension as a result of an accident at work is calculated on the basis of the salary actually received by the worker on the date of the accident, including a worker who benefited, on that date, from a measure for the reduction in working hours to care for a child, in a situation where the group of workers who benefit from such a measure are predominantly female?

## **Ruling**

Article 4(1) of Directive 79/7 must be interpreted as not precluding legislation of a Member State which provides that a permanent incapacity pension as a result of an accident at work is calculated on the basis of the salary actually received by the worker on the date of the accident, including a worker who benefited, on that date, from a measure for the reduction in working hours to care for a child, in a situation where the group of workers who benefit from

such a measure are predominantly female.

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**Creator:** European Court of Justice (ECJ)

**Verdict at:** 2025-04-10

**Case number:** C-584/23