

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

The statistical data referred to by the referring court doesn't make it possible to establish the respective proportions of male and female workers who would be put at a disadvantage by the application of a provision 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.

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.

Creator: European Court of Justice (ECJ)

Verdict at: 2025-04-10

Case number: C-584/23