

SUMMARY

Case C-354/16. Part-time work and sex discrimination

1(a). Is the relevant EU law, in particular Clause 4(1) and (2) of the Framework Agreement on part-time work and Article 4 of Directive 2006/54 on equal treatment of men and women in matters of employment and occupation in conjunction with Council Directive 2000/78 on equal treatment in employment and occupation, to be interpreted as precluding national statutory provisions or practices which, in determining the amount of an occupational old-age pension, distinguish between employment income falling below the ceiling for the assessment of contributions to the statutory pension scheme and employment income exceeding that ceiling (the 'split pension formula') and in so doing do not treat income from part-time employment in such a manner that the income payable in respect of corresponding full-time employment is first determined, the proportion above and below the contribution assessment ceiling is established on that basis, and that proportion is then applied to the reduced income from part-time employment? If Question 1(a) is answered in the negative: (b) Is the relevant EU law to be interpreted as precluding national statutory provisions or practices which, in determining the amount of an occupational old-age pension, distinguish between employment income falling below the ceiling for the assessment of contributions to the statutory pension scheme and employment income exceeding that ceiling (the 'split pension formula') and, in the case of an employee who has worked on both a full-time and part-time basis, do not take account of specific periods (e.g. individual calendar years) but determine a uniform degree of employment for the total duration of the employment relationship and apply the split pension formula only to the resulting average remuneration? 2. Is the relevant EU law, in particular the principle of non-discrimination on grounds of age enshrined in Article 21 of the Charter of Fundamental Rights of the European Union and given specific expression by Council Directive 2000/78, to be interpreted as precluding national statutory provisions or practices which provide for an occupational old-age pension in the amount corresponding to the ratio of the employee's actual length of service to the time from the beginning of his employment up to his reaching the normal retirement age under the statutory

pension scheme (calculated on the basis of the pro rata temporis principle) and in so doing apply a maximum limit of reckonable years of service, with the result that employees having completed their period of service in an undertaking at a younger age receive a smaller occupational pension than their colleagues who completed their period of service at an older age, even though both sets of employees completed an equal length of service in the undertaking?

Creator: European Court of Justice (ECJ)

Verdict at: 2016-06-27

Case number: C-354/16