

SUMMARY

Case C-443/16. Fixed-term employment

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Must Clause 4 of the Framework Agreement annexed to Directive 1999/70/EC be construed as precluding rules such as those described from allowing a reduction in working hours solely because the person involved is an interim civil servant ('funcionario interino', or a person appointed to a civil service post on a temporary basis)? If the answer is in the affirmative: Can the economic situation which makes a reduction in expenditure necessary, and which has been forced by a reduction in the budget, be regarded as an objective ground justifying this difference in treatment? Can the administration's prerogative to organise itself be regarded as an objective ground which justifies this difference in treatment?

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Must Clause 4 of the Framework Agreement annexed to Directive 1999/70/EC be construed to the effect that the administration's prerogative to organise itself is always limited by the obligation not to discriminate against employees in its service or treat them differently, irrespective of whether they are classified as career civil servants, or interim, casual or temporary civil servants?

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Can the interpretation and application of point 3 of the second additional provision ('College Lecturers and their integration with University Lecturers') of Basic Law 4/2007 of 12 April 2007, amending Basic Law 6/2001 of 21 December 2001 relating to Universities be construed as contrary to Clause 4 of the Framework Agreement annexed to Directive 1999/70/EC insofar as, in the process for college lecturers joining the body of university lecturers, college lecturers

appointed on a permanent basis are allowed to retain all their rights and full capacity to teach, even though they do not have a doctorate degree, while this is not allowed for interim college lecturers?

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If the requirement of having a doctorate is the objective justification for cutting the working hours of interim college lecturers who do not have one by half, yet this does not apply to non-interim college lecturers who do not have a doctorate, can this be construed as discriminatory and therefore contrary to Clause 4 of the Framework Agreement annexed to Directive 1999/70/EC?

Creator: European Court of Justice (ECJ)

Verdict at: 2016-08-08

Case number: C-443/16