



GMS Flash Alert

Employment Law

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European Union – Court Rules on Compensation for Part-Time Workers

The Court of Justice of the European Union (CJEU) has ruled that it is prohibited under EU law to require part-time workers to complete the same number of working hours as full-time workers in order to receive additional remuneration.¹

Thresholds for additional remuneration must be proportionate to working hours and cannot be the same for full- and part-time workers.

WHY THIS MATTERS

Even if, under the national legislation of an EU member state, provision has been made for setting the same threshold for compensation for full-time workers and part-time workers, CJEU has now concluded that such practice is contrary to EU law. Entitlement to additional remuneration must be proportionate to the worker's working time. This will more appropriately balance the proportional time required of full-time versus part-time workers in terms of when they are entitled to additional remuneration.

Employers should consider reviewing their policies for compensation for overtime and updating them so that the thresholds for additional remuneration are properly adjusted to account for working time (part-time or full-time work).

More Details on the Case

The case concerns a pilot who works part-time for a German airline. His contract stipulates, among other things, that he can receive additional remuneration if, in one month, he performs a certain number of flight duty hours and exceeds the thresholds laid down in that regard in his contract.

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These trigger thresholds are identical for full-time and part-time pilots.

CJEU concluded that identical trigger thresholds for additional remuneration represent a longer flight-hour duty than the full-time pilots compared to their total working time. The part-time pilots have a greater burden to bear and will satisfy the conditions for entitlement to additional remuneration much more rarely than their full-time colleagues, according to the CJEU.

This practice puts part-time pilots in a less advantageous position, which is contrary to EU law, unless there are objective grounds for such different treatment of part-time pilots

MEIJBURG & CO. INSIGHTS

It should be noted that it takes a lot to meet the conditions for “objective grounds” that allow differential treatment between workers and in most case such conditions will not be met.

Employers should revisit their policies for compensation of part-time and full-time workers to assess whether the policies they have in place breach EU law and that they are accordingly revised to take account of part-time and full-time working status.

FOOTNOTE:

1 CJEU, [Press Release No 158/23](#) (Luxembourg, 19 October 2023), Judgment of the Court in Case C-660/20 | Lufthansa CityLine.

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Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or one of the following professionals with the KPMG International member firm in the Netherlands:



Daida Hadzic
EMA Head of Quality
Tel. +31 6 532 54 599 (m)
Hadzic.daida@kpmg.com

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