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Judgment of the Court in Case C-660/20 | Lufthansa CityLine

Working time: schemes for obtaining increased remuneration when exceeding a certain number of working hours must not place part-time workers at a disadvantage

A German pilot works part-time for an airline. His employment contract stipulates that he is to receive basic remuneration according to flight duty time. In addition, 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 employment contract.

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

The pilot argues that the thresholds should be reduced by taking into account the number of hours he works, since he works part-time. He claims that he is entitled to additional remuneration since he would exceed the trigger thresholds if those were reduced according to time worked.

The German Federal Labour Court, hearing this dispute between the pilot and Lufthansa CityLine, refers a question to the Court of Justice for a preliminary ruling. It wishes to know whether national rules which require a part-time worker to complete the same number of working hours as a full-time worker in order to receive additional remuneration constitute discrimination which is prohibited under EU law ¹.

The Court answers in **the affirmative**. First of all, it notes that when they are employed, the part-time workers perform the same duties as the full-time workers or hold the same posts as them. The Court therefore regards **the situations of those two categories of workers as being comparable**. This, however, will be for the national court to verify.

Next, the Court finds that the existence of identical trigger thresholds for additional remuneration represents, for the part-time pilots, a longer flight-hour duty than for the full-time pilots compared to their total working time. **The part-time pilots therefore have a greater burden to bear and will satisfy the conditions for entitlement to additional remuneration much more rarely than their full-time colleagues.**

Consequently, the Court holds that such national rules give rise to less favourable treatment of part-time pilots, which is contrary to EU law, **unless such treatment is justified on objective grounds**. The national court will also have to verify this aspect, whilst taking account of the considerations mentioned by the Court in that respect, which has reservations regarding the justifications put forward, inter alia, by the airline.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to

dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

Unofficial document for media use, not binding on the Court of Justice.

The [full text and, as the case may be, the abstract](#) of the judgment are published on the CURIA website on the day of delivery.

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¹ Framework Agreement on part-time work concluded on 6 June 1997, as annexed to [Directive 97/81/EC](#) of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC.