

Case C-306/16. Working time

António Fernando Maio Marques da Rosa – v – Varzim Sol – Turismo, Jogo e Animação, S, reference lodged by the Portuguese Tribunal da Relação do Porto on 30 May 2016

In the light of Directives 93/104/EEC and 2003/88/EC on working time, as well as Article 31 of the Charter of Fundamental Rights of the European Union, in the case of workers engaged in shift work and rotating rest periods in an establishment that is open every day of the week but does not have continuous 24-hour productive periods, must the compulsory day of rest that a worker is entitled to be granted in each period of seven days, that is, at the latest on the seventh day following six consecutive working days?

Do those directives and provisions preclude an interpretation to the effect that, in relation to those workers, the employer is free to choose the days on which he grants a worker, for each week, the rest periods to which he is entitled, so that the worker may be required, without overtime pay, to work for up to ten consecutive days (e.g. between Wednesday of one week, preceded by a rest period on Monday and Tuesday, until Friday of the following week, followed by a rest period on Saturday and Sunday)?

Do those directives and provisions preclude an interpretation to the effect that the uninterrupted rest period of 24 hours may be granted on any of the calendar days in a given period of seven calendar days, and the subsequent uninterrupted rest period of 24 hours (to which are added the 11 hours of daily rest) may also be granted on any of the calendar days in the period of seven calendar days immediately following the period mentioned above?

Do those directives and provisions, taking into account also the provision in Article 16(a) of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003, preclude an interpretation to the effect that a worker, instead of taking an uninterrupted rest period of 24 hours (to which are added to 11 hours of daily rest) for each period of seven days, may take two periods, which may or may not be consecutive, of uninterrupted rest of 24 hours in any of the four calendar days of a given reference period of 14 calendar days?

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

Ute Kleinsteuber – v – Mars GmbH, reference lodged by the German Arbeitsgericht Verden on 27 June 2016

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