



30.6.2017

## NOTICE TO MEMBERS

**Subject: Petition No 1414/2016 by J.M. (Spanish) on alleged labour discrimination**

### 1. Summary of petition

The petitioner explains that he is the victim of labour discrimination, since for many years he carried out duties for the Education Inspectorate as an occasional seconded inspector in the education inspection service in the province of Toledo. The work and duties carried out as an occasional seconded inspector were identical to those carried out by inspectors employed by the service itself, with the same qualifications and tasks, meaning that their duties and work were entirely equivalent. The petitioner states that there is clear discrimination regarding the working conditions for people who carry out a task for a specific duration as seconded inspectors, and this amounts to a breach of European legislation on the part of the Spanish administration and judicial authorities.

### 2. Admissibility

Declared admissible on 12 April 2017. Information requested from Commission under Rule 216(6).

### 3. Commission reply, received on 30 June 2017

The Framework Agreement annexed to Directive 1999/70/EC on fixed-term work applies to fixed-term workers where the end of the employment contract or relationship is determined by objective conditions such as reaching a specific date, completing a specific task or the occurrence of a specific event.<sup>1</sup>

The petitioner has a permanent contract as a career civil servant and his complaint relates to the conditions that apply to him when he is temporarily seconded to another grade. Directive

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<sup>1</sup> Clause 3(1).

1999/70/EC<sup>1</sup> does not apply in such circumstances as it protects only fixed-term workers, whose employment relationship is limited in time. The petitioner is not a fixed-term worker and the matters about which he complains are matters of national labour law.

### Conclusion

Directive 1999/70/EC concerning the framework agreement on fixed-term work is not applicable in the case of workers with permanent contracts who are temporarily promoted to another grade. Therefore, there is no infringement of EU law in relation to the matters about which the petitioner complains.

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<sup>1</sup> Council Directive 1999/70/EC of 28 June 1999 concerning the Framework Agreement on fixed-term work concluded by ETUC, UNICE and CEEP, OJ L 175, 10/07/1999, p.43.