

**Question for written answer E-002659/2022
to the Commission**

Rule 138

Ignazio Corrao (Verts/ALE)

Subject: Forestry workers and firefighters on fixed-term contracts with the Sicilian regional executive – breach of Clause 4 of the framework agreement annexed to Directive 1999/70/EC

The Court in Palermo has found against the Sicilian regional executive's Department for the Territory and Environment for its failure to pay a length-of-service allowance to 11 workers on fixed-term contracts. This was a breach of Clause 4 of the framework agreement on fixed-term work annexed to Directive 1999/70/EC, according to which 'fixed-term workers shall not be treated in a less favourable manner than comparable permanent workers solely because they have a fixed-term contract or relation unless different treatment is justified on objective grounds'¹.

The way the department behaved is also at odds with interpretations by the Court of Justice concerning the scope of application of said Clause 4, nor can it be justified by the different length of the employment relationship, as this does not constitute an 'objective ground'.

The Court emphasised instead the fact that forestry employees on fixed-term contracts perform exactly the same services as permanent employees.

In light of the above:

1. What action will the Commission take to ensure that the authorities comply with requirements in the aforesaid directive? and
2. What action will it take to stop discriminatory behaviour that is at odds with Clause 4 and the rulings of the Court of Justice, including with a view to limiting expenditure at the public's expense?

¹ Judgment of the Court of Palermo of 20 April 2022, Employment Division.