

Order of the Court (Eighth Chamber) of 13 December 2021 (request for a preliminary ruling from the Tribunal Superior de Justicia de Castilla-La Mancha — Spain) — Servicio de Salud de Castilla-La Mancha (SESCAM) v BF

(Case C-151/21) ⁽¹⁾

(Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP — Clause 4 — Principle of non-discrimination — Field of public health — Calculation of length-of-service increments — National legislation refusing to take into account, as regards permanent staff regulated under administrative law, for the purpose of calculating length-of-service increments, periods corresponding to activities temporarily exercised in a higher professional category)

(2022/C 119/18)

Language of the case: Spanish

Referring court

Tribunal Superior de Justicia de Castilla-La Mancha

Parties to the main proceedings

Appellant: Servicio de Salud de Castilla-La Mancha (SESCAM)

Respondent: BF

Operative part of the order

Clause 4 of the framework agreement on fixed-term work, concluded on 18 March 1999, which is set out in the annex to Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, must be interpreted as not precluding national legislation which provides that, for a permanent worker who temporarily performs duties in a professional category that is higher than the one to which he or she belongs, the three-yearly length-of-service increments to which he or she is entitled are those corresponding to that latter category, even though, for a fixed-term worker placed in the same situation, the three-yearly length-of-service increments correspond to those of the professional category in which his or her duties were actually performed.

⁽¹⁾ Date lodged: 9 March 2021.

Order of the Court (Eighth Chamber) of 13 December 2021 (request for a preliminary ruling from the Juzgado de lo Contencioso-Administrativo No 1 de Toledo — Spain) — KQ v Servicio de Salud de Castilla-La Mancha (SESCAM)

(Case C-226/21) ⁽¹⁾

(Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP — Clause 4 — Principle of non-discrimination — Concept of ‘employment conditions’ — Exemption from providing on-call medical services on the grounds of age granted solely to permanent workers)

(2022/C 119/19)

Language of the case: Spanish

Referring court

Juzgado de lo Contencioso-Administrativo No 1 de Toledo

Parties to the main proceedings

Applicant: KQ

Defendant: Servicio de Salud de Castilla-La Mancha (SESCAM)