



Press and Information

Court of Justice of the European Union

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Judgment in Case C-155/10

Williams and Others v British Airways plc

The remuneration paid to airline pilots during their annual leave must include the supplementary payment for the time spent flying since it is intrinsically linked to the performance of their tasks

By contrast, the supplementary payment which is intended to cover costs connected with the time spent away from the pilots' air base does not form part of their normal remuneration and therefore need not be taken into account

According to the Working Time Directive¹, every worker is entitled to paid annual leave of at least four weeks.

Several airline pilots employed by British Airways, including Ms Williams, have disputed the calculation of the amount paid in respect of their annual leave. The remuneration of those pilots comprises three components: (1) – a fixed annual sum; (2) – a supplementary payment for the time spent flying, set at £10 per hour; (3) – a supplementary payment for the time spent away from base, which amounts to £2.73 per hour. The first component (the basic salary) alone is taken into account in the calculation of the remuneration paid in respect of annual leave. The pilots contend that their holiday pay must be based on their total remuneration, including the two supplementary payments.

The Supreme Court of the United Kingdom, before which the case has been brought, asks the Court of Justice to specify what indications European Union law can provide with regard to the remuneration to which an airline pilot is entitled during his annual leave.

In its judgment delivered today, the Court points out, first, that a worker must, during his annual leave, receive his normal remuneration. The purpose of the requirement of payment for that leave is to place the worker, during that period of rest, in a position which is, as regards remuneration, comparable to periods of work. It follows that the remuneration paid in respect of annual leave must, in principle, be determined in such a way as to correspond to the normal remuneration received by the worker.

However, where the remuneration, such as that of pilots, is made up of several components, the determination of that normal remuneration and, consequently, of the amount to which that worker is entitled during his annual leave requires a specific analysis.

Accordingly, the Court holds that **any inconvenient aspect which is intrinsically linked to the performance of the tasks which the worker is required to carry out** under his contract of employment and **in respect of which a monetary amount is provided** which is included in the calculation of the worker's total remuneration - **such as, in the case of airline pilots, the time spent flying - must necessarily be taken into account for the purposes of the amount to which the worker is entitled during his annual leave.**

By contrast, **the components of the worker's total remuneration which are intended exclusively to cover occasional or ancillary costs** arising at the time of performance of the

¹ Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ 2003 L 299, p. 9).

tasks which the worker is required to carry out under his contract of employment - **such as costs connected with the time that pilots have to spend away from base - need not be taken into account in the calculation of the payment to be made during annual leave.**

That stated, the Court also points out that, in addition to those components of the total remuneration, all those which relate to the personal and professional status of an airline pilot (such as allowances relating to seniority, length of service and professional qualifications) must be maintained during his paid annual leave.

It is for the national court to assess whether the various components comprising an airline pilot's total remuneration, first, are intrinsically linked to the performance of the tasks which he is required to carry out under his contract of employment and, second, relate to his personal and professional status.

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 European Union law or the validity of a European Union 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.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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