

Case C-243/95

Kathleen Hill and Ann Stapleton

v

Revenue Commissioners and the Department of Finance

(Reference for a preliminary ruling
from the Labour Court)

(Equal treatment of men and women — National civil servants —
Job-sharing scheme — Incremental credit determined on the basis
of the criterion of actual time worked — Indirect discrimination)

Opinion of Advocate General La Pergola delivered on 20 February 1997 I - 3741
Judgment of the Court (Sixth Chamber), 17 June 1998 I - 3759

Summary of the Judgment

*Social policy — Men and women — Equal pay — Job-sharing scheme in the civil service —
Incremental credit determined on the basis of the criterion of actual time worked — Regression
on the pay scale for job-sharers entering or returning to full-time work — Job-sharers consisting
mainly of women — Not permissible unless objectively justified
(EC Treaty, Art. 119; Council Directive 75/117)*

Article 119 of the Treaty and Directive 75/117 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women are to be interpreted as precluding legislation which provides that, where a much higher percentage of female workers than male workers are engaged in job-sharing, job-sharers who convert to full-time employment are given a point on the pay

scale applicable to full-time staff which is lower than that which those workers previously occupied on the pay scale applicable to job-sharing staff due to the fact that the employer has applied the criterion of service calculated by the actual length of time worked in a post, unless such legislation can be justified by objective criteria unrelated to any discrimination on grounds of sex.