



# Flash Reports on Labour Law November 2025

Summary and country reports

Written by The European Labour Law Network (ELLN), based on reports submitted by the Network of Labour Law Experts

November 2025



**EUROPEAN COMMISSION**

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Unit C.1 – Labour Law

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## Flash Report 11/2025 on Labour Law

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# Flash Report 11/2025 on Labour Law

## Table of Contents

<b>Executive Summary</b> .....	9
<b>Austria</b> .....	17
1 National Legislation .....	17
2 Court Rulings .....	17
3 Implications of CJEU Rulings .....	18
4 Other Relevant Information .....	19
<b>Belgium</b> .....	20
1 National Legislation .....	20
2 Court Rulings .....	20
3 Implications of CJEU Rulings .....	21
4 Other Relevant Information .....	22
<b>Bulgaria</b> .....	23
1 National Legislation .....	23
2 Court Rulings .....	23
3 Implications of CJEU Rulings .....	23
4 Other Relevant Information .....	24
<b>Croatia</b> .....	25
1 National Legislation .....	25
2 Court Rulings .....	25
3 Implications of CJEU Rulings .....	25
4 Other Relevant Information .....	25
<b>Cyprus</b> .....	26
1 National Legislation .....	26
2 Court Rulings .....	26
3 Implications of CJEU Rulings .....	26
4 Other Relevant Information .....	28
<b>Czech Republic</b> .....	33
1 National Legislation .....	33
2 Court Rulings .....	33
3 Implications of CJEU Rulings .....	33
4 Other Relevant Information .....	34
<b>Denmark</b> .....	35
1 National Legislation .....	35
2 Court Rulings .....	35
3 Implications of CJEU Rulings .....	36
4 Other Relevant Information .....	37
<b>Estonia</b> .....	38
1 National Legislation .....	38
2 Court Rulings .....	38
3 Implications of CJEU Rulings .....	38
4 Other Relevant Information .....	39
<b>Finland</b> .....	40
1 National Legislation .....	40
2 Court Rulings .....	40
3 Implications of CJEU Rulings .....	41

## Flash Report 11/2025 on Labour Law

4	Other Relevant Information .....	41	
<b>France</b> .....			42
1	National Legislation .....	42	
2	Court Rulings .....	42	
3	Implications of CJEU Rulings .....	46	
4	Other Relevant Information .....	46	
<b>Germany</b> .....			47
1	National Legislation .....	47	
2	Court Rulings .....	47	
3	Implications of CJEU Rulings .....	48	
4	Other Relevant Information .....	49	
<b>Greece</b> .....			50
1	National Legislation .....	50	
2	Court Rulings .....	50	
3	Implications of CJEU Rulings .....	50	
4	Other Relevant Information .....	50	
<b>Hungary</b> .....			51
1	National Legislation .....	51	
2	Court Rulings .....	51	
3	Implications of CJEU Rulings .....	51	
4	Other Relevant Information .....	51	
<b>Iceland</b> .....			53
1	National Legislation .....	53	
2	Court Rulings .....	53	
3	Implications of CJEU Rulings .....	53	
4	Other Relevant Information .....	54	
<b>Ireland</b> .....			55
1	National Legislation .....	55	
2	Court Rulings .....	55	
3	Implications of CJEU Rulings .....	56	
4	Other Relevant Information .....	57	
<b>Italy</b> .....			58
1	National Legislation .....	58	
2	Court Rulings .....	58	
3	Implications of CJEU Rulings .....	58	
4	Other Relevant Information .....	58	
<b>Latvia</b> .....			59
1	National Legislation .....	59	
2	Court Rulings .....	59	
3	Implications of CJEU Rulings .....	59	
4	Other Relevant Information .....	59	
<b>Liechtenstein</b> .....			60
1	National Legislation .....	60	
2	Court Rulings .....	60	
3	Implications of CJEU Rulings .....	60	
4	Other Relevant Information .....	61	
<b>Lithuania</b> .....			62

## Flash Report 11/2025 on Labour Law

1	National Legislation .....	62
2	Court Rulings .....	62
3	Implications of CJEU Rulings .....	62
4	Other Relevant Information .....	63
<b>Luxembourg</b> .....		64
1	National Legislation .....	64
2	Court Rulings .....	65
3	Implications of CJEU Rulings .....	69
4	Other Relevant Information .....	70
<b>Malta</b> .....		71
1	National Legislation .....	71
2	Court Rulings .....	71
3	Implications of CJEU Rulings .....	71
4	Other Relevant Information .....	71
<b>Netherlands</b> .....		72
1	National Legislation .....	72
2	Court Rulings .....	74
3	Implications of CJEU Rulings .....	77
4	Other Relevant Information .....	77
<b>Norway</b> .....		78
1	National Legislation .....	78
2	Court Rulings .....	78
3	Implications of CJEU Rulings .....	78
4	Other Relevant Information .....	79
<b>Poland</b> .....		80
1	National Legislation .....	80
2	Court Rulings .....	80
3	Implications of CJEU Rulings .....	81
4	Other Relevant Information .....	81
<b>Portugal</b> .....		82
1	National Legislation .....	82
2	Court Rulings .....	82
3	Implications of CJEU Rulings .....	82
4	Other Relevant Information .....	84
<b>Romania</b> .....		86
1	National Legislation .....	86
2	Court Rulings .....	86
3	Implications of CJEU Rulings .....	87
4	Other Relevant Information .....	88
<b>Slovakia</b> .....		89
1	National Legislation .....	89
2	Court Rulings .....	89
3	Implications of CJEU Rulings .....	89
4	Other Relevant Information .....	91
<b>Slovenia</b> .....		92
1	National Legislation .....	92
2	Court Rulings .....	92
3	Implications of CJEU Rulings .....	93

## Flash Report 11/2025 on Labour Law

4	Other Relevant Information .....	93
<b>Spain</b> .....		95
1	National Legislation .....	95
2	Court Rulings .....	95
3	Implications of CJEU Rulings .....	95
4	Other Relevant Information .....	96
<b>Sweden</b> .....		97
1	National Legislation .....	97
2	Court Rulings .....	97
3	Implications of CJEU Rulings .....	97
4	Other Relevant Information .....	98
<b>United Kingdom</b> .....		99
1	National Legislation .....	99
2	Court Rulings .....	99
3	Implications of CJEU Rulings .....	99
4	Other Relevant Information .....	99

# Executive Summary

## National level development

In November 2025, 25 countries, with the exception of **Croatia, Latvia, Lichtenstein, Lithuania, Malta** and **Norway**, reported developments in labour law. The following were of particular significance from an EU law perspective:

## Collective bargaining

The **German** Federal Labour Court ruled that the parties to a collective agreement do not have 'primary corrective authority' where a collective bargaining provision violates EU anti-discrimination rules.

In **Greece**, employers' organisations, trade unions, and the government concluded a national social agreement restoring key elements of collective labour law and aligning the national framework with Directive (EU) 2022/2041 on adequate minimum wages. The agreement reinstates pre-financial crisis protections, including the continued applicability of expired collective agreements until new ones are concluded, and extends sectoral collective agreements to cover all employees.

## Dismissal protection

The **Belgian** Court of Cassation ruled that, when determining whether a dismissal is justified on the grounds of urgent reasons or gross misconduct, courts may not consider any disproportion between the consequences of the dismissal for the employee and the seriousness of the misconduct. The legal assessment of an urgent dismissal is limited to the nature of the misconduct itself, not its impact on the employee.

In **Luxembourg**, the Court of Appeal issued a decision concerning the dismissal of an employee serving as a Data Protection Officer ('*délégué à la protection des données*' - DPO), on the

grounds of insufficient knowledge, diligence, productivity, availability and communication, as well as dishonest conduct relating to the recording of overtime. The special protection afforded to a DPO is distinct from that granted to individuals by virtue of their personal status (pregnancy, illness), and from protection attached to specific functions (e.g. employee representatives). It is comparable instead to the functional protection afforded to certain employees who must retain independence in the performance of specialised tasks, such as workers designated for health and safety duties or employees protected in their role as AI compliance officers.

The **Romanian** High Court clarified that a first-instance judgment ordering reinstatement is provisionally enforceable but does not automatically reactivate the employment contract upon its delivery. Reinstatement takes effect only once the judgment is executed, either voluntarily by the employer or through enforcement proceedings initiated by the employee. Until execution, the employee has no obligation to resume work and is not required to initiate enforcement proceedings. Accordingly, reinstatement is not automatic; it requires the employer to notify the employee of the reactivation of the employment contract and to specify the date of return to work.

## Fixed-term work

The **French** Court of Cassation ruled that, where a fixed-term contract is concluded to replace an absent employee, the employer must prove both the event justifying the contract and its end date. In the present case, the employer failed to notify the employee—whose contract had been suspended due to a workplace accident—of the return of the replaced employee for over two years, and did not provide the necessary end-of-contract documents. As a result, the Court held that the fixed-term contract was automatically converted into a

## Flash Report 11/2025 on Labour Law

permanent contract under Article L. 1243-11 of the Labour Code.

The **German** Federal Labour Court clarified that the appropriateness of probationary periods in fixed-term employment contracts must be assessed on a case-by-case basis.

The **Portuguese** Supreme Court of Justice issued a ruling on the application of the principle of equal treatment for fixed-term workers. It held that clauses in collective agreements providing for lower entry categories for fixed-term workers are null and void, as they violate mandatory legal provisions and directly violate the principle of equal treatment between fixed-term and permanent workers.

### Information and consultation

The **Irish** High Court delivered the first decision under the national legislation implementing the European Works Council Directive.

The **Swedish** Labour Court held that a sale of shares did not constitute a “significant change” triggering the duty to negotiate, under section 11 of the Co-Determination Act, as the employer (the subsidiary company) had not participated in the parent company’s decision to sell the shares.

### Part-time work

The **Belgian** Court of Cassation clarified the rules on part-time work, holding that a part-time cleaner working fewer than the statutory minimum hours is entitled to remuneration corresponding to the legal threshold under Article 11bis, para. 5 of the Employment Contracts Law of 1978. The exceptions set out in Royal Decree of 1992—applicable to the cleaning of professional premises or household work—did not apply in the present case, since the employee cleaned common areas of a building and the employer was an association, not a household.

In a case before the **Luxembourg** Court of Appeal, the principle of equal treatment of part-time workers was

reviewed. The case concerned whether certain bonuses (*primes*) were payable to part-time employees and whether such bonuses had to be prorated.

### Posting of workers

The **Luxembourg** Court of Appeal clarified the distinction between transnational posting (*détachement transnational*) and a change of employer (*changement d’employeur*). It reaffirmed that, under both European Union law and national law, posting presupposes the temporary provision of services in another Member State, even where that period extends over several years.

### Temporary agency work

The **Danish** Labour Court issued an important ruling on 03 November 2025 concerning the Danish Act on Temporary Agency Work. The Court confirmed that the Act must be interpreted in conformity with EU law, specifically in light of the *TimePartner* ruling on derogations through collective agreements. This ruling marks a change in the existing interpretation under Danish law.

The Supreme Court of the Republic of **Slovenia** held that workers supplied to a user undertaking outside the statutory framework governing temporary agency work must enjoy the same remuneration rights as workers supplied lawfully. This includes the possibility of establishing the user undertaking’s subsidiary liability for unpaid wages. The Court emphasised that the statutory conditions and restrictions applicable to agency work are designed to protect workers and prevent abuse. Interpreting the law otherwise would undermine this protective purpose by leaving workers without effective protection or remuneration solely due to the failure to comply with formal legal requirements for agency work.

### Workers’ representation

The **Italian** Constitutional Court declared Article 19, first paragraph, of Act No. 300 of 20 May 1970 (Provisions on the protection of the freedom and

## Flash Report 11/2025 on Labour Law

dignity of workers, trade union freedom and trade union activity in the workplace, and rules on job placement) unconstitutional insofar as it does not allow for the establishment of company-level trade union representatives at the initiative of workers in every production unit, including within those trade union organisations that are comparatively most representative at the national level.

### Working time

Several decisions of the **French** Court of Cassation addressed employers' obligations in relation to paid leave, with the French Court of Cassation clarifying whether the right to paid leave expires at the end of the deferral period.

A **Spanish** Supreme Court ruling applying the CJEU's case law on stand-by time and on-call work has been issued. The case concerned a collective agreement for railway workers that set a maximum of 35 hours per month for stand-by duties (including on-call services, periods of breakdown, or even mealtimes during trips). The agreement also provided for a reserved day, during which workers were required to remain at the workplace to cover potential absences within the crew. The Supreme Court, referring to the WTD and relevant CJEU case law, concluded that, in this particular situation, both stand-by duties and the reserved day qualified as working time.

### Other developments

The following national developments in November 2025 were of particular relevance from an EU law perspective:

The **Finnish** Labour Court submitted a request for a preliminary ruling to the CJEU in a case concerning a so-called lump sum payment. The referral primarily seeks clarification as to whether a collective agreement provision establishing such a payment complies with EU law provisions and regulations aimed at preventing gender-based discrimination in the remuneration of employees.

Two decisions of the **Luxembourg** Court of Appeal merit attention with respect to the so-called 'qualified' social minimum wage (*'salaire social minimum qualifié'*). While not strictly new, these decisions reaffirm the strict application of the relevant statutory provisions in the Court's case law.

### Implications of CJEU Rulings

#### Working time

This Flash Report analyses the implications of a CJEU ruling on working time.

#### *CJEU case C-373/24, Ramavić*

The case concerned a request for a preliminary ruling by the Municipal Court in Pula-Pola (Croatia) concerning whether a deputy public prosecutor falls within the definition of a “worker” under Directive 2003/88/EC (the Working Time Directive), read in conjunction with Directive 89/391/EEC on health and safety at work and Article 31 of the Charter of Fundamental Rights of the European Union.

The applicant was employed on a full-time basis as a deputy public prosecutor. In addition to her standard 40-hour working week, she was required to perform on-call duties, during which she could be called upon to carry out urgent tasks, particularly in the context of criminal investigations. These duties required her to remain continuously available either at her place of residence (passive on-call duty) or at the headquarters of the public prosecutor’s office (active on-call duty).

Under the applicable Croatian legislation, no limits were imposed on overtime, and the applicant neither entitlement to additional remuneration nor a right to compensatory rest for periods of on-call duty during which she was not actively required to intervene. Moreover, the applicant claimed that hours spent on on-call duty were remunerated at a lower rate than hours worked during her standard working schedule.

The Court first confirmed that a public prosecutor qualifies as a “worker” within the meaning of EU law. Consistent with its established case law on the status of magistrates (see, inter alia, CJEU, case C-658/18, *UX v Governo della Repubblica italiana*), the Court held that

the functional autonomy and independence inherent in the role do not preclude the existence of an employment relationship. In particular, the prosecutor remains subject to the hierarchical organisation of a public authority, namely the public prosecutor’s office.

The Court further reaffirmed the strict interpretation of Article 1(3) of the Working Time Directive (WTD), read in conjunction with Article 2 of the Occupational Safety and Health Directive, which allows for exclusions from the Directive’s scope only for “special aspects inherent in certain activities in the public service”. According to settled case law, such derogations must be justified by an absolute necessity to ensure the community’s effective protection. In the present case, the Court found no objective reason why the continuity of prosecutorial functions could not have been maintained through a rotation system or a comparable organisational arrangement capable of limiting each prosecutor’s individual working time.

The Court of Justice also reiterated the criteria for determining whether periods of stand-by duty constitute “working time” within the meaning of the WTD. It recalled that the concept of working time encompasses all periods of stand-by, including those performed under a stand-by system, where the constraints imposed on the worker objectively and significantly restrict their ability to manage their time freely and to pursue personal and social activities.

Conversely, where a stand-by arrangement requires the worker to return to work within a very short period of time, such periods must, in principle, be classified in their entirety as working time. In such circumstances, the worker is effectively prevented from planning even short periods of leisure or rest.

The ruling is expected to have implications for a considerable number of countries, as national legislation and

## Flash Report 11/2025 on Labour Law

case law will need to be aligned with the CJEU's decision.

In **Croatia**, Article 60(2) of the Labour Act will require amendment to ensure compliance with the CJEU's *Ramavić* judgment. Currently, the law excludes stand-by time spent outside the workplace from the calculation of working time. The Court clarified, however, that such periods must be regarded as working time where they significantly restrict the worker's ability to manage their time freely and to pursue personal activities. As the Labour Act already defines "worker" broadly, there is no need or public prosecutors to be explicitly mentioned; the existing provisions on working time can apply to them. The judgment is also likely to have financial implications, as other public prosecutors may seek compensation for overtime, work performed on Sundays and public holidays, and stand-by periods.

The decision also has potential implications for **Cyprus**, where the status of public prosecutors lies at the intersection of constitutional independence and public service employment. Although prosecutors are not constitutional office-holders like judges, they perform core judicial functions and are institutionally aligned with public servants. Given their institutional and functional similarities to the judiciary, the CJEU's judgment emphasises that public prosecutors must be regarded as "workers" within the meaning of the Working Time Directive, unless the nature of their duties renders compliance with the Directive inherently and unavoidably impossible.

This decision is of particular significance in the **French** context. The levels of compensation provided for periods of on-call duty and for interventions carried out during those periods for magistrates of the courts of appeal, higher courts of appeal, judicial courts and courts of first instance are not consistent with the *Ramavić* solution.

In **Germany**, the working time of public prosecutors is governed by state law and therefore varies from state to state.

The judgment suggests that German state legislation and administrative practice relating to prosecutors' working time—especially exemptions from the obligation to record working times and the classification of stand-by duties—may require review and, where necessary, adjustment to ensure conformity with EU law.

The ruling also has implications for **Greek** legislation, which currently does not contain any provisions governing the working time of judges and public prosecutors. It seems they are exempt from the protections afforded by working time regulations.

The decision has implications for **Estonia's** public service law, as it clarifies the classification and treatment of on-call time for prosecutors.

In **Lithuania**, prosecutors' stand-by time spent at home is not regarded as working time, which is inconsistent with the CJEU's interpretation of the WTD.

The case will likewise have implications for **Norwegian** legislation, as it affects the interpretation of the concept of employee under the Working Environment Act, Sections 1-8(1) and of working time in the Working Environment Act, Section 10-1.

According to this ruling, any stand-by time performed by public prosecutors should be classified as working time. In **Poland**, the right to rest of public prosecutors is not protected to the extent required by Directive 2003/88/EC.

The CJEU's judgment has significant implications for public prosecutors in **Slovakia**. Their service relationship is governed by a special statute that excludes on-call duty from the 48-hour weekly working time limit and does not fully reflect the Court's established case law on the concept of working time. Although there is no national case law specifically addressing prosecutors, earlier litigation concerning firefighters' on-call duty, when read in conjunction with the *Ramavić* ruling, suggests that certain provisions of the Prosecutors Act may require reinterpretation or

## Flash Report 11/2025 on Labour Law

legislative amendment to ensure full compliance with Directive 2003/88/EC.

It is uncertain whether the classification of stand-by duty as working time, as confirmed by this judgment, is being effectively implemented in **Swedish** labour-market practice.

The decision also has implications for **Latvian** law, which does not contain legal provisions on working time and rest periods for prosecutors.

There is also the possibility that the ruling may impact the interpretation of national law.

The decision is relevant for **Czech** labour law, at least with regard to the interpretation and application of working time rules. The CJEU's decision adopts a broader conception of the performance of work than that reflected in Section 78(1)(a) of the Labour Code.

The conclusions reached by the CJEU in this ruling are also relevant for the interpretation of **Portuguese** law. First, the judgment provides important guidance for classifying public prosecutors as 'workers' for the purposes of applying national working time rules transposing Directive 2003/88/EC into Portuguese law. Second, the CJEU reaffirmed that stand-by time must be regarded as 'working time', even where the worker is not required to remain at the workplace, provided that the constraints imposed significantly affect the worker's ability to pursue personal and social interests. This case law is therefore particularly useful for interpreting national provisions defining 'working time' and 'rest periods'.

The CJEU ruling may likewise prompt **Romanian** courts to adopt a broader interpretation of prosecutors' stand-by periods as working time.

This judgment is relevant for the interpretation of the working time regime applicable to public (state) prosecutors in **Slovenia**, especially in light of the similarities between the Slovenian legal framework and the provisions examined by the Court. It will therefore need to be considered when

scheduling stand-by duties for public prosecutors, and when courts interpret the relevant national provisions.

By contrast, several countries reported that the ruling will have no implications for their national legal frameworks (**Austria, Denmark, Finland, Hungary, Ireland, Italy, Lichtenstein, Luxembourg, Malta, and Spain**).

The CJEU ruling has no implications for **Danish** law. In the Danish context, the ruling largely reiterates existing CJEU case law on the concept of working time in relation to stand-by duty.

In **Ireland**, the decision entails no change to the established approach to determining what constitutes "working time". It is already well established that periods of stand-by constitute "working time" only where the constraints imposed on the employee are such as to objectively and very significantly restrict the employee's ability to manage his or her time freely and to pursue his or her personal interests when their services are not required.

In the case of **Luxembourg**, the decision confirms that, as a matter of principle, public prosecutors—and their deputies (*substituts du Procureur*)—fall within the scope of the European Working Time framework. There is no justification for their exclusion, particularly in light of occupational health and safety considerations, and their stand-by duties must, in principle, be classified as working time. In practice, however, the working time of magistrates in general, and prosecutors in particular, is not formally recorded. They are not subject to the same regime as civil servants, notably with regard to time-tracking systems or time-savings accounts (*compte épargne-temps*). Many prosecutors perform stand-by duties during weekends and nights, in particular to respond to requests from police services, which require both availability and rapid decision-making. Such interventions are most often carried out remotely, but may also require physical presence (at the crime scene). There is no formal system treating these on-call periods as working

## Flash Report 11/2025 on Labour Law

time, particularly in relation to daily/weekly rest periods or maximum working time limits. Prosecutors instead receive an allowance linked to their functions, intended to compensate for the various constraints inherent in their role.

In **Spain**, both public prosecutors and judges enjoy functional autonomy and determine their own working time arrangements through their respective governing bodies (the Public Prosecution Service and the General Council of the Judiciary). Consequently, they are not subject to the general working time regulations applicable to civil servants adopted by Parliament and the government.

## Flash Report 11/2025 on Labour Law

Table 1: Major labour law developments

Topic	Countries
<b>Collective bargaining and industrial action</b>	DE EL FI IE PL SK
<b>Dismissal protection</b>	BE LU RO
<b>Fixed-term work</b>	BE DE FR PT
<b>Information and consultation</b>	IE IT SE
<b>Minimum wage</b>	HU IE LU SE
<b>Part-time work</b>	BE DE LU
<b>Posting of workers</b>	LU
<b>Telework/remote work</b>	CY FR IE
<b>Temporary agency work</b>	DK NL SI
<b>Traineeships</b>	PL
<b>Whistleblowers</b>	NL
<b>Working time</b>	BE ES FR UK

# Austria

### Summary

- (I) Two decisions of the Supreme Court have been published in November 2025 that are of interest from an EU labour law perspective, dealing with discrimination on the grounds of disability (Directive 2000/78/EC) and recognition of previous periods of service (Article 45 TFEU).

## 1 National Legislation

Nothing to report.

## 2 Court Rulings

### 2.1 Long-term impairment and its relevance for disability discrimination

*Supreme Court of 30 September 2025, 8 ObA 34/25w*

The [judgment](#) concerned the question whether an employee on sick leave can rely on indirect or direct discrimination on the grounds of disability. Under [§ 3 of the Austrian Disability Employment Act](#) (*Behinderteneinstellungsgesetz – BEinstG*), disability is defined as the effect of a physical, mental or psychological functional impairment, or an impairment of sensory functions, that is not merely temporary and is likely to prevent participation in working life, whereby the term ‘not merely temporary’ refers to an expected duration exceeding six months.

According to the case law of the Court of Justice of the European Union, the ‘long-term’ nature of an impairment is not assessed at the time it arises, but rather from the perspective of the (potential) point in time of the alleged discrimination (CJEU case C-395/15, *Mohamed Daouidi v Bootes Plus SL, Fondo de Garantía Salarial, Ministerio Fiscal*, paragraph 53; CJEU case C-397/18, *DW v Nobel Plastiques Ibérica SA*, 2019, paragraph 44). The Austrian Supreme Court has confirmed that the same approach also applies under Austrian law, meaning that in cases of doubt, a prognostic assessment must be made.

Consequently, the employee’s sick leave from 03 January to 13 December 2022 does not establish discrimination on the grounds of disability, because at the time of her termination on 20 December 2022, she was medically capable of performing regular work, and no further periods of sick leave were anticipated.

### 2.2 Recognition of previous periods of service

*Austrian Supreme Court of 30 September 2025, 8 ObA 37/25m*

The [judgment](#) of the Austrian Supreme Court concerns the recognition of previous periods of service for a physician employed by the Province of Carinthia. Under [§ 40\(9\) of the Carinthian Contractual Public Employees Act](#) (*Kärntner Landesvertragsbedienstetengesetz – K-LVBG*), a physician was transferred to pay group ks4 upon completion of specialised training. [§ 42\(4\) K-LVBG](#) provides that such a specialised physician is entitled to at least the monthly salary of pay level eight within pay group ks4. Subsequent advancement to higher pay levels occurs every two years, starting from assignment to pay level eight.

The plaintiff’s prior periods of service as a physician in Germany and, before that, in Hungary, were fully recognised when determining his advancement reference date,

## Flash Report 11/2025 on Labour Law

resulting in his classification in pay level seven of the (specialist) pay group ks4 upon commencing employment with the defendant on 02 November 2016, followed by an immediate advancement to pay level eight on 01 January 2017.

The Supreme Court rejected claims of both direct and indirect discrimination, as well as any alleged restriction on the free movement of workers. In determining the plaintiff's advancement reference date, three years of secondary education, six years of university study (the maximum allowed under § 41), and his work as a research assistant and assistant physician in Hungary and Germany were fully recognised as previous service. Conversely, four years of (fictitious) transfer loss under § 41(6) and (7) K-LVBG were deducted.

The plaintiff did not present any substantive arguments to support a claim of discrimination. The difference in remuneration arises from the fact that newly hired physicians who are already specialists may, in individual cases, receive a different salary than those who had previously been employed by the defendant before qualifying as specialists. According to the Supreme Court, however, this does not violate the principle of equal treatment. An employee with several years of prior service with the defendant is not in the same position as a newly hired specialist. The appellate argument that, under this interpretation of § 42(4) K-LVBG, the 'salary gap' between specialists continuously employed by the defendant and those previously working in another EU Member State would increase with the length of foreign employment, is based on a misunderstanding, particularly regarding the prior service rules in § 41 K-LVBG: any potential salary difference is limited to the fact that an employee continuously employed by the defendant is immediately classified in pay group ks4, pay level eight, even if this level would not yet have been reached according to their individual advancement reference date. In contrast, a specialist previously employed by other employers (domestic or foreign) is classified according to their advancement reference date, which may, depending on the circumstances, result in an initial placement below or above pay level eight.

In the view of the Supreme Court, it is at least justifiable to consider the employer's attempt to encourage employees, based on this salary, to remain after completing their specialised training was neither a violation of the equality principle nor of EU law.

### 3 Implications of CJEU Rulings

#### 3.1 Working time

*CJEU case C-373/24, Ramavić*

In Austria, pursuant to [Section 1 of the Working Time Act](#) (*'Arbeitszeitgesetz, AZG'*), employees of a territorial authority (the federal government, a province, or a municipality) are exempt from the scope of AZG. In the public sector, however, the [Federal Civil Service Act](#) (*'Beamten-Dienstrechtsgesetz, BDG'*) applies, which also contains working time provisions for public sector employees. For judges and public prosecutors, the [Judges and Public Prosecutors Service Act](#) (*'Richter- und Staatsanwaltschaftsdienstgesetz, RStDG'*) applies; for public prosecutors, the [Public Prosecution Act](#) (*'Staatsanwaltschaftsgesetz, StAG'*) is relevant as well.

Under [Section 6a of the Public Prosecution Act](#) (StAG), an on-call duty system applies at public prosecutor's offices outside regular working hours. During such on-call duty, the public prosecutor must remain at a location where they can be reached at all times using the available technical means of communication and must be able to carry out urgent official acts outside regular working hours without delay, insofar as these cannot be postponed until the beginning of the next working day or the next duty shift.

Based on the average volume of urgent official acts, the Federal Minister of Justice may order that, at certain public prosecutor's offices and during specific periods, a duty shift (*'Journaldienst'*) must be performed instead of on-call duty. During such duty shifts, the

## Flash Report 11/2025 on Labour Law

public prosecutor assigned to on-call duty that day must remain present in the designated offices of the public prosecutor's office, unless external official acts must be carried out as part of the on-call duty or duty shift.

Under [Section 190\(4\) of the RStDG](#), all quantitative and temporal additional work is compensated through the salary. Exceptions apply to public prosecutors in salary group 1, who receive additional remuneration for duty shifts, on-call duty, and services performed after being called in during on-call duty. Duty shifts are classified as working time, while on-call duty is not.

Overall, it can be assumed that the Working Time Directive has been correctly implemented in Austria with respect to public prosecutors. During on-call duty, they are not subject to significant restrictions, unlike in Croatia; rather, they may freely choose their location, similar to other professions, provided that they remain continuously reachable by telephone and able to perform urgent official duties within a short period when called.

### 4 Other Relevant Information

Nothing to report.

# Belgium

### Summary

- (I) The Cour de Cassation held that, when assessing whether gross misconduct justifies an immediate dismissal, the labour court may not take into account any possible disproportion between the consequences of a dismissal for gross misconduct and the serious shortcoming that gave rise to it. The consequences are not a legal criterion.
- (II) The Cour de Cassation also recently clarified the rules on part-time work. Under Article 1, 4°, of the Royal Decree of 21 December 1992, the minimum weekly working hours of one-third of the weekly working time of a full-time employee, as required for part-time employees under Article 11 of the Employment Contracts Law, does not apply to employees working under a fixed schedule whose duties consist exclusively of cleaning the premises in which their employer carries out its professional activities. The Court further held an association of co-owners of a building, as referred to in Article 3.86 Civil Code (Article 577-5, paragraph 1, of the Old Civil Code), when acting within its legally conferred powers, does not carry out a professional activity. It therefore cannot be regarded as being established in the building for professional purposes.
- (III) For the derogation from the minimum weekly working hours amounting to one-third of the weekly working hours of full-time employees, as provided in Article 1, 2°, of the Royal Decree of 21 December 1992, to apply, the employee's work must be performed for the benefit of the employer's household or family; an association of co-owners of a building, as a legal entity, cannot have a household or family.

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## 1 National Legislation

Nothing to report.

## 2 Court Rulings

### 2.1 Dismissal protection

*Cour de Cassation 22 September 2025, S.24.0029.N*

In its [judgment of 22 September 2025](#), the Court of Cassation held that, when assessing the existence of an urgent reason/gross misconduct, the Court may not be guided by the potential disproportion between the consequences of dismissal for urgent reasons/gross misconduct and the serious shortcoming that gave rise to it. Although some labour courts have considered the severe consequences of such a dismissal, namely immediate termination without severance pay and exclusion from unemployment benefits, particularly involving employees in precarious situations or those with long service records and no significant prior misconduct, these consequences are not included among the legal criteria mentioned in Article 35 of the Employment Contracts Law of 03 July 1978. According to the Court of Cassation, the impact of the dismissal on the employee therefore cannot be taken into consideration in determining whether a dismissal for urgent reasons is justified.

## Flash Report 11/2025 on Labour Law

### 2.2 Working time

*Cour de Cassation 22 September 2025, S.22.0010.N*

The plaintiff was employed by the defendant, an association of co-owners of a building, as a cleaner responsible for the common areas from 12 January 1999 to 30 September 2014, under a part-time employment contract of five hours per week. Article 11bis, para. 5 of the Employment Contracts Law of 03 July 1978 provides that the weekly working hours of a part-time employee may not be less than one-third of the weekly working hours of full-time employees in the same category. If an employment contract nevertheless provides for working hours below this threshold, the employee's wage must still be calculated on the basis of these statutory minimum limits. In the present case, the plaintiff's working hours fell below the one-third threshold, and the worker received a wage that did not correspond to the legally required minimum.

Pursuant to Article 1, 4° of the Royal Decree of 21 December 1992, the minimum weekly working hours for part-time employees, set at one-third of the weekly working hours of a full-time employee, do not apply to workers employed under a fixed schedule whose duties consist exclusively of cleaning the premises in which their employer is professionally established. This exception therefore requires that the premises cleaned by the employee be used by the employer for professional purposes. In other words, it is not sufficient for the employer's registered office is located in a building if the employee cleans only the common areas of that building.

Another derogation from the minimum weekly working hours of one-third of the weekly working hours of full-time employees is set out in Article 1, 2°, of the Royal Decree of 21 December 1992. This exception applies to workers who perform work for the benefit of the employer's household or family. An association of co-owners of a building cannot, as a legal entity, have a household or family.

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

The applicant was employed full-time as a deputy public prosecutor. In addition to her standard 40-hour workweek, she was required to perform on-call duties, during which she may be called upon to perform urgent tasks, particularly in connection with criminal investigations. These on-call duties require her to remain continuously available either at her place of residence (passive on-call duty) or at the public prosecutor's office headquarters (active on-call duty). Under the applicable Croatian legal provisions, there are no limits on overtime, no entitlement to additional remuneration, nor any right to compensatory rest periods for on-call hours during which she is not actively called upon. Moreover, she asserted that she was paid less for hours spent on on-call duty than for hours worked during her normal working schedule.

The Court first confirmed that a public prosecutor qualifies as an employee under EU law. Consistent with numerous previous judgments concerning the status of magistrates (see CJEU case C-658/18, *UX v Governo della Repubblica italiana*), the Court of Justice held that the substantive autonomy and independence required by the position do not negate the fact that the official is subject to the hierarchical structure of a public body, in this instance, the public prosecutor's office.

The Court also confirmed the strict interpretation of Article 1(3) of the Working Time Directive (WTD) in conjunction with Article 2 of the Occupational Safety Directive, under which "special aspects inherent in certain activities in the public service" may justify an exception to the Directive's scope. Established case law requires that such exceptions be based on 'an absolute necessity to ensure the effective protection of the community'. In the present case, the Court found no discernible reason why the continuity of the

## Flash Report 11/2025 on Labour Law

public prosecutor's duties could not have been maintained through a rotation system or similar arrangement, which would have ensured that the individual working time of each prosecutor remained limited.

The CJEU reiterates the criteria for the verification of stand-by work time constitutes working time. According to the Court, the concept of 'working time' under the WTD encompasses all periods of stand-by duty, including those under a stand-by system, in which the constraints imposed on the worker objectively and significantly limit their ability to freely manage the time during which their professional services are not required and to pursue personal interests.

Conversely, a period of stand-by during which the worker must return to work within a few minutes is, in principle, entirely considered 'working time' under the Directive. In such cases, the worker is, in practice, effectively prevented from planning even brief recreational activities.

This ruling is relevant for the Belgian legal system. In Belgium, public prosecutors are public servants operating within the hierarchical structure of a public body, namely the public prosecutor's office, despite the substantive autonomy and independence required for that position. Accordingly, under CJEU case law, a Belgian public prosecutor qualifies as an employee under EU law.

In Belgium, the public sector employees, *i.e.* persons employed by the state, provinces, municipalities, public institutions under their authority or institutions of public utility, generally fall within the scope of the Law of 14 December 2000, which establishes certain aspects of working time regulation in the public sector. Legal protection under this law applies to all categories of personnel, regardless of whether they are administrative civil servants or employees under an employment contract. Magistrates, *i.e.* judges and public prosecutors, are covered by the working time provision of the Public Sector Law of 14 December 2000. Limitations on maximum working hours are set out in Articles 5 and following. With the Law on the Social Status of Magistrates I of 12 May 2024, the judiciary was granted a separate status for certain aspects of their employment relationships. This regulation primarily addresses various leave arrangements but does not alter the rules on maximum working hours.

The CJEU ruling is also important in relation to a second point, as some members of the public prosecutor's office are required to perform substantial on-call duties or stand-by work, which must be considered working time under the WTD.

## 4 Other Relevant Information

Nothing to report.

# Bulgaria

### Summary

There have been no developments this month.

## 1 National Legislation

### 1.1 Profession of "Labour Mediation"

The Minister for Education and Science issued Ordinance No. 62 of 04 November 2025 establishing the state educational standard for acquiring qualifications in the profession of "Labour Mediation" (promulgated in State Gazette No. 96 of 11 November 2025). This ordinance defines the state educational standard for the acquisition of qualifications in the profession "Labour Mediation" within the field of education "Social Services" in accordance with the List of Professions for Vocational Education and Training under Article 6, para. 1 of the Vocational Education and Training Act. The state educational standard for the acquisition of qualifications in this profession determines the requirements for the acquisition of a third degree of professional qualifications in the profession, for the acquisition of qualifications in part of the profession, as well as for the achievement of individual units of learning outcomes. The state educational standard determines the requirements for candidates, the description of the profession, the units of learning outcomes for acquiring a third-level professional qualification in the profession, the criteria and means for assessing each unit of learning outcome, the set of units of learning outcomes that form the acquisition of a qualification in part of a profession, the requirements for the material base and the requirements for the trainers. This standard for acquiring qualifications in the profession includes general, sectoral and specific professional training with the necessary professional competencies that guarantee the trainee the opportunity to practice the profession upon completing the training.

## 2 Court Rulings

Nothing to report.

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

The judgment in case C-373/24 CJEU (Sixth Chamber) of 30 October 2025 will not have implications for Bulgarian legislation or national practice concerning the interpretation of Article 1(3) of Directive 2003/88/EC, read in conjunction with Article 31 of the Charter of Fundamental Rights of the European Union, Article 2 of Council Directive 89/391/EEC, and Article 2 of Directive 2003/88.

The Judicial System Act (JSA) sets out specific rules governing the legal status of magistrates (judges, prosecutors, investigators), whose employment relationships form a distinct category of paid public service within the judiciary, one of the three branches of government under Article 8 of the Constitution of the Republic of Bulgaria. In line with this constitutional and institutional specificity, judges, prosecutors and

## Flash Report 11/2025 on Labour Law

investigators perform their duties, receive remuneration, take various forms of leave, and may be subject to secondment, etc.

Accordingly, Article 229 of the JSA explicitly allows the subsidiary application of the Labour Code, which provides the general rules on working hours, overtime and reporting procedures. The principles contained in international instruments binding on Bulgaria, as well as domestic labour protection legislation, also apply. Under national law, on-call work is defined as an organisational arrangement for daily or aggregated working time in which the employee is present at the workplace and is either performing or ready to perform their duties. It is explicitly provided that on-call time constitutes working time, and employees are entitled to the remuneration agreed for this period.

The question of whether stand-by time outside normal working hours qualifies as working time was indirectly examined in a judicial dispute concerning a district court judge's entitlement to overtime pay. The dispute focused on Article 220 of the Judicial Service Act, which states: "Additional remuneration for overtime work of a judge, prosecutor and investigator is granted only for the performance of official duties on holidays and weekends." In its reasoning, the court relied on CJEU case law, including cases C-429/09 and C-437/05. Applying the general Labour Code rules on working time, the court concluded that the entire on-call period constitutes working time when a magistrate is required to remain available in a designated location, thereby entitling them to remuneration (the text of the decision is not publicly accessible).

### 4 Other Relevant Information

Nothing to report.

# Croatia

### Summary

There have been no developments this month.

## 1 National Legislation

Nothing to report.

## 2 Court Rulings

Nothing to report.

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

It will be necessary to amend Article 60(2) of the Labour Act of 2014 (last amended in 2023). Currently, Article 60(2) of the Labour Act provides that "*working time is not considered to be the time during which the worker is ready to respond to the employer's call to perform work, if such a need arises, whereby the worker is not at the location where he or she performs work or at another location specified by the employer.*" Based on the CJEU judgment in the *Ramavić* case, even stand-by time during which the worker is not at the workplace or another location specified by the employer should be considered working time when the constraints objectively and very significantly limit the worker's ability to freely manage the time during which their professional services are not required and to pursue personal interests. Since the Labour Act already defines the notion of worker broadly (Article 4(1)), there is no need to add public prosecutors *expressis verbis* to that provision. It will suffice to interpret the provisions of the Labour Act on working time as applicable to public prosecutors.

Apart from this, the CJEU's judgment in the *Ramavić* case will have financial repercussions for the state budget because it is expected that claims of other public prosecutors will be submitted for payment of overtime work, hours worked on Sundays and public holidays and stand-by time.

## 4 Other Relevant Information

Nothing to report.

# Cyprus

### Summary

- (I) The social partners have signed a new agreement on COLA that consolidates and extends the mechanism, gradually including workers on minimum wages, however, exclusions affecting migrants, women and other vulnerable workers remain.
- (II) A new study by the Cyprus Labour Institute shows that that Cyprus is a high-growth, high-inequality and a low-wage economy.
- (III) Teleworking in the public sector has been put on hold due to inflexible regulations.

## 1 National Legislation

Nothing to report.

## 2 Court Rulings

Nothing to report.

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

The case concerned a referral by the Municipal Court in Pula-Pola (Croatia) on whether a deputy public prosecutor ("NI") qualified as a "worker" under Directive 2003/88/EC (the Working Time Directive), read in conjunction with Directive 89/391/EEC (Health and Safety at Work) and Charter of Fundamental Rights of the European Union (Article 31). The referral stemmed from NI's claim for remuneration for hours allegedly worked during "on-call" (stand-by) periods — both passive (at home) and active (at the workplace) — outside her regular working hours (0800–16:00, Monday to Friday), on the basis that such periods should be classified as "working time" under EU law. The Court reiterated that, for the purposes of the Working Time Directive, the notion of "worker" has an autonomous meaning under EU law and cannot be determined solely by national definitions. Instead, it must be assessed on objective criteria, in particular whether the individual performs services for and under the direction of another in return for remuneration, within a relationship of subordination. The Court held that public prosecutors may fall within the scope of the Working Time Directive, insofar as their functions meet the objective criteria for "worker" status under EU law. It further interpreted Article 2 of Directive 89/391 (as referred to in Article 1(3) of Directive 2003/88) as precluding national legislation that entirely excludes prosecutors' activities from the Working Time Directive's scope, provided their work can in practice be organised in a manner that ensures compliance with the Directive's requirements (e.g. on working time, rest periods). With regard to on-call (stand-by) time—whether passive (at home) or active (at the workplace)—the Court emphasised that it is for a national court to determine whether such periods constitute "working time" within the meaning of Directive 2003/88. The Directive defines "working time" as any period during which the worker is at work, at the employer's disposal and performing duties. Accordingly, the fact that on-call duty occurs outside normal working hours does not in itself exclude it from the scope of this definition on "working time": the decisive factor is the extent of the constraints imposed and the obligations arising during that period. In sum, the Court did not deliver a final answer on whether the on-call hours qualified as working

## Flash Report 11/2025 on Labour Law

time as this remains for the national court to determine on the basis of a factual assessment. However, it clarified that public prosecutors may fall under the protection of the Working Time Directive and that national legislation cannot categorically exclude them from its scope. This ruling thus strengthens the possibility of applying EU labour- and health-and-safety standards to public prosecutor's offices, aligning them with those of general workers — provided their working relationship and duties reflect the objective criteria for "worker."

This decision may have implications for Cyprus and the regulation of public prosecutors' working time. The status of public prosecutors in the Cypriot legal system occupies a complex intersection of constitutional independence, employment status, and labour law protection. Although prosecutors, unlike judges, are not constitutional office-holders under the doctrine of separation of powers, they nonetheless exercise essential functions in the administration of justice and are institutionally aligned with public servants. For the purposes of working time regulation under Directive 2003/88/EC (Working Time Directive, WTD), they therefore share important institutional, organisational and functional features with members of the judiciary. The recent judgment of the Court of Justice in *C-373/24* heightens the relevance of this analogy: the Court held that public prosecutors must be regarded as "workers" under the Directive unless the nature of their duties inherently and unavoidably prevents compliance with its requirements.

Under Cyprus's Working Time Law (WTL), the general framework governing working time—including minimum daily and weekly rest periods, maximum weekly working hours, and rules on night and shift work—applies broadly to both the private and public sectors. The law expressly excludes only members of the armed forces, the police, and seafarers. It contains no provision that excludes public prosecutors, nor does it establish a general exemption for officials of the justice system, except where their working arrangements meet the criteria for the autonomous worker derogation; however, prosecutors are not listed among the categories eligible for this derogation under Article 17(1) WTD.

Prosecutors are required to be physically present in court at predetermined hours, participate in fixed duty-roster systems, and respond to police and judicial requests according to procedural timetables and operational demands. They are also subject to institutional supervision by senior legal officers, mirroring the supervision of Court Presidents over judges. Their availability for hearings, case preparation, and urgent out-of-hours matters is shaped by structural requirements of the justice system rather than by autonomous control over their working time. In this respect, prosecutors closely resemble judges, whose constitutional independence in Cyprus has never been understood to entail full autonomy over daily or weekly rest or the scheduling of work beyond courtroom activities. Prosecutors are unequivocally classified as public servants.

The CJEU's judgment in *C-373/24* has direct implications for Cyprus. It rejects the notion that the prosecutorial function alone justifies a blanket exclusion from the Working Time Directive, emphasising that any derogations must be exceptional and based on concrete operational impossibility rather than institutional tradition. This is particularly relevant to Cyprus, where prosecutors regularly perform stand-by and on-call duties, including overnight availability for arrests, remand applications and emergency warrants, without a clear statutory framework for classifying such time. Although Cypriot courts have addressed working time issues in the context of firefighters—whose status is ambiguous due to their placement within the Police—they have clarified that the WTD governs the legal characterisation of time spent under employer-imposed constraints.

Prosecutors cannot independently determine their daily or weekly rest, nor do they control the reference periods applicable to their workloads. Their working time is measured, monitored and institutionally allocated. No Cypriot legislation treats them as autonomous workers; no case law supports such a treatment. The *C-373/24* judgment reinforces this position, emphasising that uniform minimum protections under EU law

## Flash Report 11/2025 on Labour Law

apply to workers in the justice system, and that their constitutional or institutional role does not exempt the State, as employer, from compliance with these standards.

### 4 Other Relevant Information

#### 4.1 Breakthrough COLA agreement signed by social partners: gradual inclusion of minimum wage workers, while vulnerable workers remain excluded

The 2025 Permanent Agreement for the COLA

The Automatic Cost of Living Adjustment (COLA) represents a landmark tripartite agreement between trade unions, i.e. PEO, SEK, DEOK, PASYDY, employers' organisations, i.e. OEB and CCCI (KEBE) and state representatives, i.e. the Minister of Labour and Social Insurance; the Minister of Finance.

*Restoration of COLA as a permanent institutional mechanism*

The agreement reinstates COLA as a *permanent institutional mechanism* of Cyprus' industrial relations framework, replacing the transitional and crisis-era arrangements in place since 2013–2018.

*Phased return to full 100 per cent indexation*

The parties have agreed to full *100 per cent indexation to restore the COLA formula*, phased as follows:

- 80 per cent restoration in January 2026;
- 90 per cent restoration in July 2026;
- 100 per cent restoration from July 2027 onwards, and annually thereafter.

Key substantive clauses of the agreement include:

- Activation tied to positive economic growth: COLA is triggered only when the annual growth rate of the preceding year is positive, embedding a macroeconomic safeguard without altering the core methodology.
- Introduction of a four per cent inflation cap: A ceiling is introduced whereby COLA can only be calculated up to a maximum of four per cent annual inflation, limiting the maximum adjustment. Historically, Cyprus has exceeded this threshold only four times in three decades.
- Government supervisory role: The Minister of Labour may convene an expanded Labour Advisory Body to assess macroeconomic risks, providing regulatory oversight without undermining collective bargaining autonomy.
- Commitment to expand COLA access: The government commits to adopting policies—following consultation with the social partners—to extend COLA coverage to additional beneficiaries beyond those currently included in collective agreements (p.2)
- Linkage between COLA and the National Minimum Wage: The Appendix (p.4) provides that:
  - The COLA amounts for the two preceding years will be incorporated into the National Minimum Wage Order during its next review (scheduled for 2026).
  - The issue will be revisited in 2028.

This represents a significant structural integration: the minimum wage will grow in part through accumulated COLA.

*Trade union positions*

## Flash Report 11/2025 on Labour Law

PEO considers the agreement (General Council Resolution, 19/11/2025.) as a *major victory for labour* and highlights:

- The agreement defends and consolidates COLA against historical employer pressures. PEO emphasises that employer organisations have previously sought to abolish or dilute COLA, making a unified union front essential.
- It is the result of union unity and mobilisation following the nationwide strike of 11 September 2025, demonstrating bargaining power, solidarity and capacity for mass mobilisation.
- Permanent nature of the agreement: PEO underscores the importance of the agreement's permanence and the absence of additional criteria (e.g. productivity, competitiveness) often pushed by employers.
- Achievement of full restoration: PEO explicitly states that its main objective—full 100 per cent restoration of COLA—was achieved.
- Acceptance of the four per cent inflation cap: Although not ideal, PEO contextualises its acceptance as historically exceeded only four times in 30 years and considers the victory on full restoration as outweighing this limitation.
- Demand for COLA as a universal employment term: PEO stresses that COLA must cover all workers, not only those under collective agreements, and proposes extending COLA either by legislation or other binding instruments.
- Integration with minimum wage: PEO considers the cumulative two-year COLA integration into the minimum wage a major step benefiting thousands of young and low-income workers.
- Ongoing struggle for universality and stronger labour regulation: PEO calls for legislation that makes collective agreements universally binding, ensures mandatory application of collective terms in publicly funded contracts, and implements policies to achieve 80 per cent collective bargaining coverage, as required by the EU Directive on Adequate Minimum Wages (2022/2041).
- Ideological framing: PEO situates the agreement within a broader political project: strengthening class unity, enhancing unionisation rates, and asserting collective struggle as the foundation of worker protection.

SEK and DEOK, between September–November 2025, converged around the following themes:

- The Protection of COLA as a core pillar of Cyprus's social model. SEK characterises COLA as part of Cyprus's "social contract" — a stabilising tool ensuring the real value of wages and emphasises defence against employer attempts to "redefine" COLA.
- SEK emphasised that the employers' proposals aimed to:
  - index COLA to productivity or competitiveness,
  - delay or suspend COLA in low-growth years,
  - restrict its applicability to union members.

These proposals were rejected.

- Commitment to expansion: Like PEO, SEK advocates for expanding collective agreement coverage and supports the use of legislative tools when social dialogue is insufficient.
- Support for linking COLA to the minimum wage: SEK welcomed the bi-directional link: COLA strengthens the minimum wage, and the minimum wage provides a statutory basis to eventually universalise COLA.

### *Who is excluded from COLA under the agreement*

The agreement does not create a universal statutory right to COLA. It applies only to sectors covered by collective agreements negotiated by the signatory organisations. The excluded groups are:

## Flash Report 11/2025 on Labour Law

- Domestic workers who are excluded from the Minimum Wage Order; they are overwhelmingly migrant women.
- Agricultural and livestock workers who are also excluded from the Minimum Wage Order; they are predominantly migrant workers.
- Workers outside collective agreements, including much of the private sector (hospitality, retail, micro-enterprises).
- Part-time, fixed-term and hourly-paid workers covered only if they work in a sector covered by a collective agreement including COLA, otherwise they are excluded.
- Platform workers and irregular gig workers that have no collective agreements; they are, therefore, excluded.
- Many non-unionised workers in enterprises where collective agreements are not extended as Cyprus lacks a legal mechanism for *erga omnes* extension.

*Is the exclusion potentially discriminatory?*

Structural (not explicit) exclusion: The exclusion is not direct discrimination, as the agreement does not explicitly target a protected group. However, due to the structural characteristics of Cyprus's labour market, certain categories, e.g. domestic workers, agricultural workers, migrant workers, and women are disproportionately outside collective agreements or the minimum wage framework. This creates the potential for indirect discrimination claims.

### **4.2 Cyprus Labour Institute study finds that Cyprus is a high-growth, high-inequality, low-wage economy**

*From strong GDP to weak wages*

The latest study, *Review of the Economy and Employment 2025*, by the [Cyprus Labour Institute \(INEK-PEO\)](#) (*Έκθεση για την Οικονομία και την Απασχόληση 2025*, December 2025) finds that Cyprus today is experiencing a structural decoupling between macroeconomic performance and the material conditions of wage earners. Despite recording some of the highest GDP growth rates in the EU, the distributive outcomes of that growth have been markedly regressive. INEK-PEO data show that Cyprus ranks 13th among EU Member States by GDP per capita in 2025, it falls to 21st in terms of the purchasing power of average wages, placing it on par with countries whose GDP per capita is 15–30 per cent lower. This divergence highlights a fundamental weakness in the transmission of economic growth to labour incomes.

Underlying this dynamic is a sustained erosion of the labour share of national income. The study documents a structural decline of 7.2 percentage points in the labour share within the business sector compared to pre-crisis levels, placing Cyprus among only four EU countries where labour captures less than 50 per cent of business-sector income. Recent nominal wage increases have been insufficient to reverse the long-term “depreciation of labour” that began during the 2013–2015 adjustment period and persisted through inflation-driven redistribution in the post-pandemic years. According to the *Review of the Economy and Employment INEK 2023*, this depreciation has been the principal mechanism behind the “spectacular rise of profits after 2020”.

Income-side data confirm the magnitude of this shift. Since 2010, capital incomes—profits, interest and rents—have doubled, whereas labour incomes have risen by approximately 60 per cent, largely driven by growth in the number of employees rather than substantial wage increases. Profits are at historic highs, yet only around half are reinvested productively, compared with around 80 per cent before 2010. The remainder is channelled into real estate, financial assets or distributions, constraining Cyprus's productive capacity and limiting job creation. As highlighted in the [2023 presentation of the Cyprus Labour Institute Review](#), the outcome is an economy operating at full productive capacity while still experiencing structurally high unemployment, reflecting inadequate investment in productive capital.

## Flash Report 11/2025 on Labour Law

These distributive trends have tangible material consequences. INEK estimates that wage earners collectively lost EUR 11.7 billion in purchasing power between 2013 and 2023, a result of wage stagnation, inflation and the redistribution of income towards capital. Moreover, wage inequality within the employed population has also intensified: managerial employees, representing only 4.5 per cent of the workforce, inflate the national average wage by approximately 15 per cent, obscuring stagnation or declines among median and low-wage workers.

Taken together, these indicators depict a dual-speed economy in which Cyprus consistently overperforms in growth and profitability while underperforming in wage levels, labour's share of income, and broad-based economic security.

### *Top incomes and wealth concentration*

If the INEK-PEO data highlight rising income inequality, *Wealth Inequality in the 21st Century*, demonstrates an even more pronounced concentration of wealth. In Cyprus, the top 10 per cent of the population saw their share of national wealth surge from 50.7 per cent in 2000 to 66.7 per cent in 2023, an increase of 16 percentage points. Even more striking, the top 1 per cent expanded their share from 12.8 per cent to 33.3 per cent, representing the steepest increase globally over the same period.

Hoffman attributes this unprecedented concentration of wealth to a combination of structural and policy-driven factors: the "Golden Passport" investor citizenship scheme (2007–2020), which fuelled property price inflation; the expansion of finance, real estate and offshore sectors, producing high returns to capital; and the wage-suppressing effects of the 2012–2013 banking crisis and the subsequent EUR 10 billion bailout, which disproportionately constrained labour incomes while safeguarding or enhancing asset-based wealth. Together, these developments intensified the divide between a rapidly expanding asset-owning elite and wage-dependent households facing stagnation or declining purchasing power.

When combined with the INEK findings, a coherent distributive pattern emerges:

- Income distribution has shifted markedly from wages to profits.
- Wealth distribution has concentrated sharply in the top decile and, most strikingly, in the top 1 per cent.
- Internal wage inequality has risen, with managerial and executive salaries inflating the average while median wages stagnate.

Cyprus thus exhibits a mutually reinforcing cycle of income and wealth concentration. The stagnant median wages constrain households' capacity to accumulate savings or assets, while rising profits and asset values disproportionately enrich the wealthiest segments of society. In this context, Cyprus emerges as a high-growth, high-inequality, low-wage economy, where the benefits of economic expansion accrue primarily to capital and top-income groups.

### **4.3 Teleworking in the public sector suspended due to inflexible regulations: Parliamentary decision pending**

The rollout of teleworking in the public sector has been suspended after President Nicos Christodoulides referred the bill back to Parliament. The amendment under review, which limits teleworking to four days per month (introduced by DISY and supported by other MPs from DIKO, DIPA, Stavros Papadouris, and independent Andreas Apostolou).

The president of the Parliamentary Committee for Employment, MP for AKEL Andreas Kafkalias, warned that the restriction could create serious practical problems, especially for employees with disabilities or health problems.

The issue was discussed in the Finance Committee and is scheduled for consideration by the Plenary, where a final decision will be made. If the House approves the referral,

## Flash Report 11/2025 on Labour Law

the implementation of teleworking will proceed. However, if ejected, the President may either sign and implement the law or appeal to the Supreme Court, potentially delaying the issue for an extended period. Kafkalias MP pointed out that AKEL opposed the amendment not on constitutional grounds, but because it fails to account for employees' diverse needs. He highlighted that workers with illness or disabilities may require more teleworking days, and the current regulations could create additional obstacles for them. He emphasised that it would have been more politically correct to postpone the vote on the teleworking framework rather than approve regulations that disadvantage the most vulnerable. Another MP for AKEL, Aristos Damianou, echoed this position, urging other parties to take responsibility and warning that a Supreme Court appeal over a relatively minor matter could be avoided through political compromise. In contrast, MPs from DISY, such as Onoufrios Koullas, contended that concerns about executive interference are overstated and argued for a uniform restriction is required for all employees, asserting that without a specific cap, the Council of Ministers could face pressure to allow additional teleworking days.

The Ministry of Finance emphasised that granting flexibility to the Council of Ministers is essential to adjust the number of teleworking days can be increased or decreased, depending on the results of the implementation. The need for uniform regulations for all employees and the time pressure was also highlighted, as the legislation is a milestone of the Recovery and Resilience Plan.

## Czech Republic

### Summary

- (I) A new government is expected to be appointed.
- (II) The Ministry of Finance has issued a decree updating the basic meal allowance rate for foreign business trips. The government has issued a decree that annually adjusts compensation for loss of earnings after the end of incapacity for work and compensation for the costs of supporting survivors.

## 1 National Legislation

The Ministry of Finance has issued Decree No. 489/2025 Coll., which updates the basic meal allowance rate for foreign business trips for 2026. This is a regular update.

The government has issued a decree (Regulation No. 466/2025 Coll.) which adjusts compensation annually for loss of earnings after the end of incapacity for work and for the costs of supporting survivors. These compensations are recurring for damages incurred by employees as a result of workplace accidents or occupational diseases.

## 2 Court Rulings

Nothing to report.

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

Czech labour law, in Section 78(1)(a) of the Labour Code (LC), defines working time as both the period during which an employee is required to perform work for the employer and the period during which the employee is present at the workplace and prepared to perform work in accordance with the employer's instructions. With respect to the actual performance of work, the employee's physical location (where the work is performed) is not decisive and this time is considered working time. However, when it comes to the obligation to remain ready to perform work, such time counts as working time only if the employee is physically present at the workplace.

According to Section 78(1)(h) LC, on-call time refers to the period during which an employee is prepared to perform work that may be required in the event of urgent need beyond the regular work schedule (overtime work). On-call time may take place only at a location agreed on in advance other than the employer's workplace.

By contrast, the wording of the Directive, specifically Article 2(1), defines working time more broadly as the period during which the employee is available to the employer, without requiring that this availability occur at the workplace.

Relevant case law further clarifies that working time (performance of work) also encompasses periods in which the employee is required to remain available to the employer at a location designated by the employer, where the employee's ability to use their time freely and pursue their own interests is significantly restricted.

Czech labour law does not explicitly regulate situations in which an employee is required to remain on call under conditions that significantly restrict their ability to use their time freely. If a Czech court were to assess the situation described in the case law under domestic law, it would find no direct statutory basis for classifying such time as the

## Flash Report 11/2025 on Labour Law

performance of work. However, in light of the principles of labour law (Section 1a LC), it can be assumed that, given both the degree of restriction on the employee's free disposal of time and the obligation to remain available at a specific location, the court could conclude that this period should be treated as working time. The CJEU's decision will therefore likely have implications for Czech labour law, at least in terms of the interpretation and application of working time regulations. However, the CJEU's decision adopts a broader view of working time than that reflected in Section 78(1)(a) of the LC.

### 4 Other Relevant Information

#### 4.1 New government expected to be appointed

Following the parliamentary elections, a new government is being formed in the Czech Republic. As a result, legislative activity remains limited, with only subordinate legislation being issued by the outgoing government operating in resignation.

# Denmark

### Summary

- (I) The Danish Labour Court issued an important ruling on 03 November 2025 concerning the Danish Act on Temporary Agency Work. The Court confirmed that the Danish Act must be interpreted in conformity with EU law, specifically in light of the *Timepartner* ruling on derogations through collective agreements. The ruling changes the existing interpretation in Danish law.

## 1 National Legislation

Nothing to report.

## 2 Court Rulings

### 2.1 Temporary agency work, equal treatment

*The Danish Labour Court ruling of 03 November 2025 (Case no. 2025 – 150, The Trade Union Movement's Main Organization for HK Private v. Danish Employers' Association for Danish Business Employer for Randstad A/S)* concerned whether an employee was entitled to repayment and compensation in connection with her employment relationship with the temporary work agency Randstad A/S during the period from 12 October 2022 to 31 August 2023. During this period, she was assigned as a temporary agency worker to a Danish hospital from 20 October 2022 and was subsequently employed directly by the hospital as of 01 September 2023. Her employment with the temporary work agency was governed by the collective agreement for Salaried Employees in Trade, Knowledge and Service (*Funktionæroverenskomst for Handel, Viden og Service 2020/2023*).

The employee's trade union claimed that she had not been treated equally with employees of the user undertaking regarding general salary conditions, pay during sick leave, pension contributions and compensation for personal days (*feriefridage*), as she had no advantages in terms of compensation. The principal issue in the case was, thus, whether sections 3(1) and (5) of the Act on Temporary Agency Work (*vikarloven*) must be interpreted in conformity with the CJEU ruling of 15 December 2022 in *C-311/21, CM v TimePartner Personalmanagement GmbH*. The employer association representing the temporary work agency argued, first, that it was not possible to interpret the Danish Act in conformity with the *TimePartner* ruling, and that, in any case, the company could not be required to pay compensation, as it had been entitled to rely on the applicable collective agreement and had no legal basis for acting differently. The [Danish Act on Temporary Agency Work](#) section 3(5) reads: "*Subsections (1) to (4) shall not apply if the temporary work agency is covered by or has acceded to a collective agreement concluded by the most representative social partners in Denmark and which applies throughout the Danish territory, while respecting the overall protection of temporary agency workers.*" According to the [preparatory works](#), the concluding reference in section 3(5) merely reflects the assumption that the collective agreements of the most representative social partners comply with the minimum requirements of EU law on the protection of temporary agency workers' pay and working conditions. The parliamentary questions raised during the legislative process confirmed this.

The Danish Labour Court concluded, following a thorough assessment of the Danish Act, its preparatory works, the Directive and the *TimePartner* ruling, that the prevailing interpretation of Article 5(3) of the Directive, on which the Danish Act is based, cannot be upheld. Furthermore, the Danish Labour Court held that the Danish Act can be interpreted in conformity with the *TimePartner* ruling. Given that the Danish Act is intended to transpose the Directive, only very clear indications could support the

## Flash Report 11/2025 on Labour Law

assumption that the legislator did not intend to transpose the Directive correctly, including the CJEU's interpretation of said Directive.

The Labour Court concluded that any derogation from the principle of equal treatment under the Danish TAW Act is permissible only where the relevant collective agreement has been concluded by the most representative social partners in Denmark, applies nationwide, and provides compensating benefits consistent with the principles established in the *TimePartner* ruling.

Regarding the employee's repayment claim, the Labour Court found that she had, in several respects, been treated less favourably under the Collective Agreement for Salaried Employees in Trade, Knowledge and Service than under the Collective Agreement on IT and Administration, under which she would have been covered as a regular employee of the user undertaking. The Court therefore awarded repayment in line with her claims.

Regarding the employee's claim for compensation, the Labour Court noted that the breach of the principle of equal treatment resulted from the interpretation of the TAW Directive—and consequently, the Temporary Agency Workers Act—adopted by the CJEU in the *TimePartner* case, which, according to the available information, has not been addressed by the legislature or social partners. The private company had complied with its collective agreement in line with the preparatory works. Under these circumstances, the Labour Court found that the company was not required to pay additional compensation to the employee under the TAW Act.

The ruling is in line with the EU aquis.

The Labour Court conducted an in-depth assessment of the Danish Act and preparatory works and its interpretation conforms with the EU interpretation of the Danish Act, which sets aside the former interpretation of the Act since adoption.

The employee was awarded full repayment, granting her the compensatory advantages specified in the *TimePartner* ruling.

The Labour Court does not require the private company (temporary work agency) to pay compensation due to the special nature of the case, where the recent ruling has not been taken up by the legislator or social partners, and where the company has complied with its collective agreement in line with the prevailing understanding of obligations under the Danish TAW Act. The Labour Court clarified that it had not ruled on the question of compensation in future cases (after its ruling), suggesting that any subsequent claims on the same issue may lead to successful compensation claims.

### 3 Implications of CJEU Rulings

#### 3.1 Working time

*CJEU case C-373/24, Ramavić*

The case concerned Croatian public prosecutors and the applicability of the EU Working Time Directive 2003/88/EC.

The first question concerned whether Croatian public prosecutors qualify as employees within the meaning of the Directive. The CJEU, considering also Article 31 of the Charter, confirmed that they do. The second question addressed whether their activities fall under the exemption in Article 2(2) of Directive 89/391/EEC, which excludes certain public service functions from EU working time rules, if the nature of the work is fundamentally incompatible with the organisation of working hours in accordance with Directive 2003/88/EC. The CJEU rejected this argument, noting that nothing in the reference indicated that the activity of public prosecutors possesses specific characteristics preventing the planning of working time in line with the requirements

## Flash Report 11/2025 on Labour Law

laid down in Directive 2003/88/EC. Consequently, public prosecutors fall within the scope of the Working Time Directive 2003/88/EC.

Finally, the CJEU addressed whether the time spent on stand-by by public prosecutors constitutes working time or a rest period. Reiterating its previous case law on these concepts, the CJEU held that such time qualifies as working time under Article 2(1) of the Directive when the prosecutor is required to be physically present at the workplace during stand-by shifts, or when stand-by time outside the workplace imposes constraints of such a nature that they objectively and substantially limit the public prosecutor's ability to pursue his or her personal and social interests. In the present case, the Croatian prosecutors were required, for the entire duration of their stand-by time, to be ready at any moment to perform tasks and duties equivalent to those that carried out during normal working hours at the workplace.

The CJEU found that during stand-by periods, a prosecutor could not leave the workplace or, under a stand-by period spent at his or her home was also not able to pursue his or her own interests.

The first part of the ruling is very specific to the public prosecutor system in Croatia. The specific nature of Croatian public prosecutors' duties does not exclude them from the scope of the EU Working Time Directive 2003/88/EC.

In Denmark, public prosecutors are clearly classified as employees, with their employment regulated *inter alia* by a [Collective Bargaining Agreement](#) (the Collective Bargaining Agreement for Academics, '*Akademikeroverenskomsten*') and the [Working Time Act](#) transposing parts of the Working Time Directive.

The second part of the ruling has broader relevance and reinforces existing CJEU case law on the classification of stand-by work. Stand-by time outside the workplace must be counted as working time if it significantly restricts the individual's ability to use that time for personal or social activities.

In Denmark, the employment conditions for public prosecutors may include stand-by duties, which—similar to salary matters—are regulated in greater detail under the relevant collective agreement. However, the agreement does not specify the nature, intensity, or location of the stand-by duties, and there is indication that compliance with EU working time rules is compromised.

The ruling does not have implications for Danish law.

## 4 Other Relevant Information

Nothing to report.

## Estonia

### Summary

- (I) In the third quarter 2025, both the average and median wages increased compared to the previous year.

### 1 National Legislation

Nothing to report.

### 2 Court Rulings

Nothing to report.

### 3 Implications of CJEU Rulings

#### 3.1 Working time

*CJEU case C-373/24, Ramavić*

The CJEU's decision mentioned above is important for clarifying the current working time and rest period arrangements for prosecutors. In Estonia, the activities of prosecutors are governed by the [Prosecutor's Office Act](#), which provides that the provisions of the Public Service Act apply to prosecutors. Prosecutors are not considered employees under Estonian labour law but are officials under the Public Service Act, appointed on the basis of an administrative act. Officials do not work under an employment contract. While the regulation of working hours is largely similar for employees and officials, differences exist in the implementation of prescribed on-call time.

The Prosecutor's Office Act establishes specific rules on on-call duties for prosecutors:

*§ 22. On-call time*

*(1) On-call time is defined as the period during which a prosecutor must be available outside normal working hours to perform unforeseeable or urgent duties.*

*(2) This on-call time specified in subsection 1 is considered part of the prosecutor's rest period. The provisions of § 48 of the Employment Contracts Act do not apply to prosecutors during on-call periods.*

*(3) Prosecutors are entitled to additional remuneration of up to 10 per cent of their salary for on-call duties. The procedures and specific cases for payment of any additional remuneration shall be established by a regulation by the minister responsible for the political sector.*

*(4) The duration of on-call time shall not exceed 250 hours per month without the prosecutor's consent.*

*(5) Any portion of on-call time during which the prosecutor performs his or her duties is considered working time. In such cases, the requirement provided for in §§ 51 and 52 of the Employment Contracts Act concerning consecutive rest periods shall not apply to the prosecutor.*

Under the rules mentioned above, on-call time is considered a rest period for prosecutors. When on-call time applies, the weekly and daily rest period restrictions do not apply (11 hours of daily rest and 48 hours of weekly rest time, respectively). In light

## Flash Report 11/2025 on Labour Law

of the CJEU decision, the Prosecutor's Office Act should be amended to clarify that on-call time is counted as rest time in any case.

The Prosecutor's Office Act neither excludes the application of the Working Time Directive. The Prosecutor's Office Act does not regulate such a possibility.

### 4 Other Relevant Information

#### 4.1 Average wages and salaries have continued to rise

According to Statistics Estonia, in the [third quarter of 2025](#), the average monthly gross wages and salaries were EUR 2 075, which is 5.9 per cent higher than in the third quarter of 2024.

In the second quarter, employees usually receive highly bonuses (such as holiday pay), which is why the average wages and salaries in the third quarter are typically lower than in the second quarter.

In the third quarter, the average monthly gross wages and salaries were highest in Harju County (EUR 2 324) and Tartu County (EUR 2 060).

As has been the case in the past, the average monthly gross wages and salaries in the third quarter were highest in information and communication (EUR 3 646), financial and insurance activities (EUR 3 288), and electricity, gas, steam and air conditioning supply (EUR 2 929).

The median gross wages (salaries) is the wage level at which half of the employees earn less and half earn more than that threshold. The median wages in the third quarter were EUR 1 722.

# Finland

### Summary

- (I) The Labour Court has submitted a request for a preliminary ruling to the CJEU in a case concerning a so-called lump sum payment. The referral primarily seeks clarification on whether a collective agreement provision establishing such a lump sum payment complies with EU law provisions and regulations designed to prevent gender-based discrimination in the remuneration of employees.

## 1 National Legislation

Nothing to report.

## 2 Court Rulings

### 2.1 Request for preliminary ruling

*Labour Court TT 2025:26*

The Labour Court has submitted a request for a preliminary ruling to the CJEU concerning the interpretation of Article 157 TFEU, Articles 21 and 23 of the Charter of Fundamental Rights, Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, and Directive 2010/18/EU repealed by Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU. The case arises from a collective agreement in the food industry, effective 13 February 2023, under which the plaintiff and defendant agreed on the payment of a lump sum of EUR 400. The issue concerned a one-off benefit payable to employees, the receipt of which was not dependent on personal work performance. The lump sum was therefore not paid as compensation for work performed at a specific time.

The lump sum payment differs from general wage increases because it does not affect minimum wages or the agreed wages under the collective agreement. The cost impact was therefore a one-off, and the lump sum did not have an upward effect on wages in connection with future wage increases.

Under the agreement, the one-off payment was only paid to employees whose continuous employment relationship commenced no later than 01 February 2023, and was still valid on the date of payment of the one-off payment, and who received a salary on the date of payment. The provision therefore excludes employees on unpaid family leave at the time of payment, i.e. in May 2023, from receiving the lump sum payment. In addition, part-time employees were paid the lump sum on a pro rata temporis basis in proportion to their working hours. All employees on unpaid leave and all part-time employees were treated equally with regard to the lump sum payment, irrespective of the reason for absence or part-time status.

The central question is whether the lump sum payment must be granted in full to all employees on family leave and, more broadly, whether the contractual provision governing this payment complies with EU rules that prohibit discrimination between men and women in remuneration.

The Labour Court observed that, although the lump sum payment is not remuneration for work performed, it constitutes a benefit tied to the employment relationship under the collective agreement. Consequently, the Court considers it to fall within the

## Flash Report 11/2025 on Labour Law

definition of pay under Article 157 TFEU, as defined in Article 2(1)(e) of Directive 2006/54.

After allowing the parties to comment on the request for a preliminary ruling, the Labor Court decided to stay the proceedings and refer the following questions to the CJEU: 1) Do Article 157 TFEU, Articles 21 and 23 of the Charter of Fundamental Rights, Article 4, Article 14(1)(c) and Article 15 of Directive 2006/54/EC, and Article 10(2) of Directive (EU) 2019/1158 preclude such a provision in a collective agreement under which a lump sum agreed in the collective agreement is paid only to those employees receiving remuneration on the date of payment of the lump sum, thereby excluding employees who, at the time of payment of the lump sum, are on unpaid maternity, special maternity, parental or care leave? 2) Do the above provisions and regulations preclude a collective agreement provision under which the lump sum agreed in the collective agreement is paid to employees on partial parental leave and partial childcare leave in proportion to their working hours and thus on the same basis as other part-time employees? After receiving the preliminary ruling, the Labour Court will issue a judgment in the case.

### 3 Implications of CJEU Rulings

#### 3.1 Working time

*CJEU case C-373/24, Ramavić*

Section 2 of the Working Time Act (*Työaikalaki*, 872/2019) sets out derogations from the scope of application. It exhaustively defines situations in which the Working Hours Act does not apply to employees or civil servants. With the exception of Section 15, subsections 3 and 4, which address reduced working time, the Act does not apply to employees whose working hours cannot be determined in advance, whose use of working time is not subject to supervision, and who may thus decide their own working hours. The list of derogations includes work performed by a state public servant as prosecutors.

### 4 Other Relevant Information

Nothing to report.

# France

### Summary

- (I) This issue covers several rulings of the Court of Cassation concerning the conversion of fixed-term contracts into permanent contracts where the employer failed to notify the end of the activity of the employee being replaced.
- (II) Multiple decisions address employers' obligations relating to paid leave, with the French Court of Cassation clarifying whether the right to paid leave expires at the end of the deferral period.
- (III) The Court of Cassation also clarified that the weekly rest entitlement must be calculated per calendar week, rather than after a six-day period. In a teleworking case concerning an employer-appointed doctor who sought to assess an employee's medication condition at the employee's home, the Court of Cassation held that the employee's fundamental right to privacy prevails.

## 1 National Legislation

Nothing to report.

## 2 Court Rulings

### 2.1 Conversion of a fixed-term contract into a permanent contract in the absence of notification by the employer of the termination of the replaced employee's activity

*Court of Cassation Labour Chamber, No. 24-14.259, 13 November 2025*

When a fixed-term contract is concluded to replace an absent employee, the employer bears the burden of proving both the event constituting the term and its date. According to Article L. 1243-11 of the Labour Code, when the contractual employment relationship continues beyond the expiry of the fixed-term contract, it is automatically converted into a permanent contract. The court upheld this principle, finding that the employer had failed to notify the employee, whose employment contract had been suspended due to a workplace accident, of the cessation of activity of the replaced employee for more than two years and had not provided the required end-of-contract documents. Consequently, the Court held that the employee remained bound by an employment contract that continued after the expiry of the fixed-term employment contract, and therefore concluded that this relationship constituted an indefinite employment contract.

### 2.2 Extinction of paid leave entitlements subject to the employer fulfilling its obligations

*Court of Cassation Labour Chamber, No. 24-14.084, 13 November 2025*

Where the carry over period for paid leave overlaps with a period of work, the employer may only rely on the expiry of the leave entitlement at the end of that period if it can demonstrate that it has fulfilled, in good time, the obligations incumbent upon it by law to ensure that the employee is able to effectively exercise his or her right to leave.

### **2.3 An employer cannot refuse teleworking recommended by the occupational physician as a workplace adjustment, even if the employee refuses a visit to their home**

*Court of Cassation Labour Chamber, No. 24-14.322, FP-B, 13 November 2025*

It follows from Article 2 of the Declaration of the Rights of Man and of the Citizen of 26 August 1789, 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, 7 of the Charter of Fundamental Rights of the European Union, 9 of the Civil Code, L. 4121-1, L. 4121-2, L. 4624-3 and L. 4624-6 of the Labour Code, on the one hand, that an employee's home represents his/her private sphere and the employee is entitled to refuse access to it. On the other hand, while the employer must consider the opinions, indications or proposals of the occupational physician, an employer who has not used the recourse provided under Article L. 4624-7 of the Labour Code cannot lawfully refuse to implement teleworking recommended by the occupational physician solely because the employee declined a home visit to his or her home by the employer. The ruling found no breach of the employer's safety obligation, as it was based solely on the employee's refusal to allow a home visit, notwithstanding the teleworking recommendation by the occupational physician.

### **2.4 Clarification on the expiry of the right to paid leave at the end of the deferral period**

*Court of Cassation Labour Chamber, No. 24-14.084, 13 November 2025*

Since the end of 2023, the Social Chamber of the Court of Cassation has aligned French law on paid leave with European Union law (Soc. 13 Sept. 2023, No. 22-17.340) and has continued this trend by recognising the right to carry over paid leave when sick leave occurs during the leave period, as well as by including paid leave in the calculation of weekly working time thresholds for overtime purposes (Soc. 10 Sept. 2025, No. 23-22.732).

In a ruling dated 13 November 2025, the Court extended this approach by specifying the conditions under which the right to paid leave expires at the end of the deferral period.

In this case concerned an SUGE operational agent employed by the SNCF, who suffered a workplace accident on 02 May 2017 and was on sick leave from 03 May 2017 to 03 March 2019, and then from 05 March 2020 onwards. Claiming an unjustified loss of part of his leave, the employee filed various claims with the Labour Court on 21 September 2020.

The first instance judges upheld the employee's claim, ordering the employer to restore 13 days of paid leave. The SNCF subsequently lodged an appeal with the Court of Cassation, which, after a multi-stage analysis, rejected the appeal. The Court noted that the applicable regulations for the SNCF grant all full-time commissioned employees, each calendar year, from 1 January to 31 December (reference period), statutory paid leave of 28 working days, including two split days (§ 1 'annual leave', of Article 1 'Statutory paid leave for permanent employees' of Title 1 'Statutory paid leave' of Chapter 10 'Leave' of the collective agreement between SNCF, SNCF Réseau, SNCF Mobilités, constituting the public rail group, and their employees, known as 'GRH 00001'). The rules specify that annual leave is not reduced if total absences are fewer than 30 days. Where total absences equal or exceed 30 days, the leave entitlement is reduced by two days from the thirtieth day of absence, and by one day for each additional 15-day period of absence. In the event of absence due to illness, the duration of proportional annual leave cannot be less than 20 working days per reference period. The text further provides that periods during which the employment contract is suspended due to a workplace accident (including commuting accidents) or occupational illness, up to a maximum of one year from the start of each event (Article 5 'influence

## Flash Report 11/2025 on Labour Law

of absences on statutory leave'). Finally, any leave not taken due to illness or injury and which could not be granted, is carried over upon the employee's return to work, up to a maximum of 15 months after the end of the reference period, i.e. from 1 to 31 December (Article 2.6 of the same text).

However, it is primarily the texts of the European Union, as interpreted by the Court of Justice of the European Union, that now establish the general framework for the social chamber's reasoning. The Court identifies the right to paid annual leave as a fundamental principle of EU social law of 'particular importance', enshrined in Article 31(§ 2, of the Charter of Fundamental Rights of the European Union, as well as by Article 7 of Directive 2003/88/EC of the European Parliament and of the Council on certain aspects of the organisation of working time of 04 November 2003, which guarantees all workers at least four weeks' annual leave. According to the European Court of Justice, any restriction on this fundamental right may only be imposed with the strict conditions set out in Article 52, § 1, of the Charter, preserving the very essence of the right. In particular, the automatic loss of paid annual leave, without prior verification that the worker has had the opportunity to exercise the right, exceeds the limits that Member States may impose when defining the conditions for exercising that right (CJEU 6 Nov. 2018, *'Fraport AG Frankfurt Airport Services Worldwide and St Vincenz-Krankenhaus GmbH'*, Case C-684/16, pt 40, 22 Sept. 2022, Cases C-518/20 and C-727/20, pt 39,). Furthermore, any employer practice or omission that potentially discourages a worker from taking annual leave is also incompatible with the purpose of the right to paid annual leave (CJEU 29 Nov. 2017, *King*, case C-214/16, pt 39).

When a worker is unable to work for several consecutive reference periods, the CJEU has ruled that, while Directive 2003/88/EC primarily seeks to protect workers, it also considers the legitimate interests of employers, who risk excessive accumulation of periods of absence that could disrupt the organisation of work. Accordingly, EU law does not preclude national provisions or practices that limit the accumulation of paid leave rights by means of a carry-over period of 15 months, at the end of which unused leave expires (CJEU 22 Nov. 2011, *KHS*, case C-214/10, paras. 29 and 30, 29 Nov. 2017, Case C-214/16, pt 55). However, EU law prohibits national legislation from allowing a worker to lose the right to paid annual leave accrued for periods worked prior to becoming unable to work due to illness if the employer has not, in good time, enabled the worker to exercise that right, whether at the end of the authorised carry-over period or later (CJEU 22 Sept. 2022, *'Fraport AG Frankfurt Airport Services Worldwide and St Vincenz-Krankenhaus GmbH'*, Cases C-518/20 and C-727/20).

Taking account of this European position, senior French magistrates established the principle that when the carry-over period for paid leave coincides with a period of work, the employer may only invoke the expiry of paid leave entitlements at the end of that period if it can demonstrate that it took all necessary steps, in good time, to enable the employee to effectively exercise their right to leave.

In the present case, the employee still had 13 days of leave remaining before the expiry of the 15-month deferral period, i.e. until 31 March 2020. This leave, scheduled for 13 March to 31 March, could not be taken due to a new work stoppage beginning on 05 March 2020.

As the employer did not argue before the Court that it had provided the employee sufficient opportunity to exercise his or her paid leave rights prior to the end of the carry-over period, the trial judges concluded that the employee had been prevented from effectively exercising his or her rights due to the new period of illness-related stoppage. Consequently, the employee could not forfeit these rights at the end of the carry-over period expiring on 31 March 2020, and that the employer had to restore the 13 days of leave that he had been wrongfully denied.

This approach aligns with European case law (in particular, CJEU 22 Sept. 2022, Cases C-518/20 and C-727/20, *'Fraport AG Frankfurt Airport Services Worldwide and St Vincenz-Krankenhaus GmbH'*, cited above), and reflects the social chamber's ongoing

## Flash Report 11/2025 on Labour Law

efforts since 2023 to bring French law in line with European law (see most recently, Soc. 10 September 2025, 23-22.732 and 23-14.455, cited above). It significantly strengthens the employee's position by establishing a clear additional condition for the expiry of unused leave: such leave is forfeited only if the employer can demonstrate that the employee was given a genuine opportunity to exercise their right to leave. In practice, this often places the employer in a difficult position, particularly when they determine the leave schedule and the employee is on sick leave during the same period, as occurred in the present case, effectively requiring the employer to maintain the employee's entitlement.

### **2.5 Working time – Triggering of the weekly right to rest per calendar week and not after a period of six days**

*Court of Cassation Labour Chamber, No. 24-10.733, 13 November 2025*

What is a week? It might seem like a trivial question, but the answer is not so straightforward. The dictionary offers, among others, several definitions: 'a period of seven consecutive days from Monday to Sunday inclusive', 'a period of seven days regardless of the starting day' or 'a sequence of five or six working days, as opposed to the weekend or Sunday'. Article L. 3132-1 of the Labour Code states that 'it is prohibited to make the same employee work more than six days per week'. The concept of a week underpins employees' right to "weekly rest [which] has a minimum duration of twenty-four consecutive hours, plus consecutive hours of daily rest [..]" of 11 hours, for a total of 35 consecutive hours. These requirements are easily met in standard five-day workweeks, excluding weekends, or six-day workweeks, excluding Sundays. However, for more complex schedules and in the absence of a collective agreement providing specific guidance, as in the restaurant industry, HR departments often have to manage rest periods on an ad hoc basis.

The legal situation was further complicated by the fact that French law is not phrased identically to European Union Directive 2003/88/EC, which states in Article 5 that "*Member States shall take the necessary measures to ensure that every worker is entitled to a minimum period of rest during each seven-day period*". The CJEU clarified in its interpretative judgment of 09 November 2017 (*case C-306/16*) that, under this provision, weekly rest for workers does not need to be granted on the day following six consecutive working days, but "may be granted on any day during each seven-day period".

In a dispute involving an employee who had worked 11 days and then 12 consecutive days at trade fairs he was required to attend, the Court of Cassation clarified the issue in its judgment of 13 November 2025 (No. 24-10.733). The Court held that weekly rest must be granted within the calendar week, not a rolling week, and confirmed, in line with CJEU case law, that Article L. 3132-1 of the Labour Code does not require "*that this minimum period of weekly rest be granted no later than the day following a period of six consecutive working days*". Consequently, it is not prohibited for an employee to work up to 12 consecutive days. However, other conditions still apply. First, for each calendar week, running from Monday at midnight to Sunday at midnight, a full weekly rest period of 35 consecutive hours must be scheduled. For example, an employee may work from Wednesday of the first week through Sunday of the second week, provided that a rest day is scheduled within each calendar week, such as Tuesday of week one and Wednesday of week two.

Furthermore, the maximum daily working time of 10 hours, the daily rest period of 11 hours, and the maximum weekly working time of 48 hours (with an average of 44 hours over 12-week period) continue to apply, as do the provisions of the applicable collective agreements, which may, however, need to be adapted through collective bargaining to reflect the new circumstances.

## Flash Report 11/2025 on Labour Law

Finally, employers remain legally responsible for ensuring the health and safety of their employees. In cases where excessive workloads lead to employee exhaustion, employers may be held liable for failing to meet their duty to prevent risks and protect the health of their employees.

### 2.6 Reclassification of fixed-term contracts of indefinite duration as permanent contracts

*Court of Cassation Labour Chamber, No. 24-14.259, 13 November 2025*

When a fixed-term contract is concluded without a specified end date to replace an absent employee, the employer bears the burden of proving both the event giving rise to the fixed-term contract and its duration. According to Article L. 1243-11 of the Labour Code, if the contractual employment relationship continues beyond the expiry of the fixed-term contract, the contract automatically converts into a permanent contract. In the present case, the ruling was upheld because the employer had failed, for over two years, to notify the employee, whose employment contract had been suspended due to a workplace accident, of the cessation of the replaced employee's activity and had not provided the required end-of-contract documentation. The Court concluded that the employee had remained bound by an employment contract that continued after the expiry of the fixed-term employment contract, thereby establishing an indefinite employment contract.

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

The Court ruled that "*time on stand-by carried out outside of normal working hours by public prosecutors must be classified as 'working time'*".

This decision is particularly significant for the French context.

Pursuant to [Article 14](#) of the Order of 12 August 2023, [implementing](#) Decree No. 2023-768 of 12 August 2023 on the compensation scheme for magistrates of the judicial system.

For magistrates of the courts of appeal, higher courts of appeal, judicial courts and courts of first instance, the compensation amounts due for periods of on-call duty and for interventions carried out during those period, as provided for in the [Decree of 12 August 2023 referred to above](#), are set as follows:

- Compensation for on-call duty – night: EUR 56; Day: Saturday, Sunday and public holidays: EUR 50
- Intervention requiring travel: EUR 80; for Saturday, Sunday and public holidays: EUR 40
- Intervention not requiring travel – night: EUR 00; Saturday, Sunday and public holidays: EUR 20
- On-call and night-time intervention allowances may not exceed EUR 784 per month per magistrate.

These amounts are not in line with the *Ramavić* solution.

## 4 Other Relevant Information

Nothing to report.

# Germany

### Summary

- (I) The Federal Labour Court has held that the parties to a collective agreement do not possess 'primary corrective authority' when a collective bargaining provision violates EU anti-discrimination rules. It further clarified that the appropriateness of probationary periods in fixed-term employment contracts must be assessed on a case-by-case basis.

## 1 National Legislation

Nothing to report.

## 2 Court Rulings

### 2.1 Discriminatory provisions in collective agreements – fixed-term work

*Federal Labour Court of 13 November 2025 – 6 AZR 131/25*

The Federal Labour Court ruled that when a provision in a collective agreement violates the prohibition on discriminating against fixed-term employees under Section 4(2) of the Part-time and Fixed-term Employment Act ('*Teilzeit- und Befristungsgesetz, TzBfG*') and is therefore (partially) invalid, the disadvantaged fixed-term employee is directly entitled to the same treatment as comparable permanent employees, without the parties to the collective agreement having to be given an opportunity to amend the discriminatory provision.

In the present case, the Court found that a specific provision of a collective agreement violated Section 4(2) of the TzBfG, which transposes Directive 1999/70/EC into national law, and was therefore (partially) invalid. At the same time, the Court held that the plaintiff, employed on a fixed-term basis, was entitled to equal treatment with comparable permanent employees. According to the Court, a distinction must be drawn: where a collective agreement violates the principle of equality under Article 3(1) of the Basic Law, the Federal Constitutional Court's recent ruling (of 11.12.2024 – 1 BvR 1109/21 et al.) requires that the parties to the collective agreement be granted 'primary corrective authority' to determine how the violation should be remedied. The Federal Constitutional Court emphasised that a violation of Article 3(1) in a collective agreement "*can often be remedied in various ways in objective terms*" (Federal Constitutional Court of 11 December 2024, para. 202). However, where a collective agreement violates prohibitions on discrimination 'shaped by EU law', no such 'primary corrective authority' exists, as only these prohibitions and not the principle of equality under Article 3(1) of the Basic Law have a deterrent function.

The decision is currently only available as a [press release](#).

### 2.2 Discriminatory provisions in collective agreements – part-time work

*Federal Labour Court of 26 November 2025 – 5 AZR 118/23*

In a 'parallel decision' to its judgment of 13 November 2025 – 6 AZR 131/25, the Federal Labour Court ruled that a collective agreement provision granting overtime bonuses only from the 41st weekly working hour, irrespective of the employee's individual contractual working time, violates the prohibition of discrimination against part-time employees (Section 4 (1) of the TzBfG). According to the Court, this disadvantage can only be

## Flash Report 11/2025 on Labour Law

remedied retroactively by lowering the threshold for the granting of the overtime bonuses to part-time employees in proportion to their individual weekly working hours compared to the weekly working hours of full-time employees. Under this condition, part-time employees were entitled to overtime bonuses without the parties to the collective agreement having been afforded an opportunity to revise the discriminatory provision beforehand.

The decision is currently only available as a [press release](#).

### 2.3 Duration of probationary period in a fixed-term contract

*Federal Labour Court of 30 October 2025 – 2 AZR 160/24*

The Federal Labour Court has issued a [ruling](#) on the duration of probationary periods in fixed-term employment relationships.

Probationary periods may also be agreed for fixed-term employment contracts. In transposing Directive 2019/1152/EU into national law, Section 15 of the Part-time and Fixed-term Employment Act (*Teilzeit- und Befristungsgesetz, TzBfG*) has been supplemented by the insertion of a new paragraph 3. Section 15(3) of the reads as follows:

*"If a probationary period is agreed for a fixed-term employment relationship, it must be proportionate to the expected duration of the fixed term and the nature of the work."*

Contrary to the assumption of the State Labour Court, the Federal Labour Court held that there is no fixed standard such as 25 per cent of the fixed-term contract duration for determining a proportionate probationary period. Rather, each case must be assessed individually, taking both the expected duration of the fixed-term contract and the nature of the work into account. In the present case, the Court found that a probationary period of four months was proportionate due to special training requirements, even though the employment relationship was limited to one year.

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

The Court held that Article 1(3) of Directive 2003/88/EC must be interpreted as meaning that public prosecutors fall within the Directive's scope.

In Germany, the working hours of public prosecutors are regulated by state law. Notably, some federal states have provisions stipulating that the working hours of public and local prosecutors do not need to be recorded. Legal literature questions whether such rules are compatible with Article 17(1) of Directive 2003/88/EC. Section 18 of the Act on Working Time (*Arbeitszeitgesetz, ArbZG*) exempts "heads of public authorities and their representatives, as well as public sector employees authorised to make independent decisions on personnel matters". However, in many cases, these individuals likely lack 'autonomous decision-taking powers' within the meaning of Article 17(1)(a) of Directive 2003/88/EC, as public prosecutors, due to their organisational integration into the work of the office, are typically not free to decide which tasks are to be performed and when (see: *Rudkowski/Monsheimer/Stadelmann, Arbeitszeiterfassung im öffentlichen Dienst, Neue Zeitschrift für Arbeitsrecht (NZA) 2023, p. 463 (465)*).

An example of a state law provision on on-call duty is found in Sections 6 and 7 of the Regulation on the Working Hours of Civil Servants in the State of North Rhine-

## Flash Report 11/2025 on Labour Law

Westphalia (*Verordnung über die Arbeitszeit der Beamtinnen und Beamten im Lande Nordrhein-Westfalen*).

Section 6 (*Rufbereitschaft*):

*"(1) On-call duty exists when, by order of a superior, civil servants remain at a location notified to their superior outside of regular working hours to commence work when called upon. The authority to issue such orders may be delegated to their immediate superior.*

*(2) On-call duty periods are not counted as working time, except for periods during which the employee is called upon to perform duties. Such periods shall be compensated as time off in lieu at a rate of one-eighth within twelve months for employees with fixed working hours and credited to the hours account (...) for employees for flexible working hours, unless compelling operational reasons dictate otherwise."*

Section 7 (*Bereitschaftsdienst*):

*"Standby duty is performed by civil servants who, under orders from their superior, remain at a location specified by the superior in order to commence work if required. During periods of on-call duty, regular working hours may be extended proportionally to the operational needs of the service. Working hours may not exceed an average of 48 hours per week."*

## 4 Other Relevant Information

Nothing to report.

# Greece

### Summary

- (I) On 26 November, Greek employers, unions, and the government agreed to restore and expand collective bargaining protections to implement Directive (EU) 2022/2041.

## 1 National Legislation

On 26 November, Greek employers and labour unions reached an agreement to restore key aspects of collective labour law and expand the coverage of collective bargaining agreements in line with Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union.

The national social agreement, signed by the General Confederation of Greek Workers (GSEE), employer organisations, and the Minister of Labour reinstates pre-financial crisis protections, including the continuation of expired collective agreements until new ones are concluded. It also allows signed agreements to extend coverage to all employees within a sector.

Changes include lowering the threshold for extending an agreement from 50 per cent to 40 per cent of sector employees. When agreements are co-signed by national social partners, such as GSEE and employer organisations, the 40 per cent requirement does not apply. The agreement also enables GSEE to co-sign sector-level agreements upon invitation and simplifies registration processes for labour and employer organisations.

Additional provisions protect workers after collective agreements expire, maintaining all terms until new agreements or individual contracts are concluded. The measure reverses a law of 2012 that limited post-expiration coverage.

Finally, concerning the resolution of collective labour disputes through the Mediation and Arbitration Organization (OMED), pre-checks will be conducted by a three-member committee to determine whether conditions for unilateral recourse to arbitration are met. On the other hand, the second arbitration stage will be eliminated, while judicial review options will remain available.

## 2 Court Rulings

Nothing to report.

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

The ruling has implications for Greek legislation which does not provide any regulations on the working time of judges and public prosecutors. It seems that they are exempt from the protections provided by working time regulations.

## 4 Other Relevant Information

Nothing to report.

# Hungary

### Summary

- (I) Due to significant deviations in economic conditions in 2025 compared to the projections underlying the 2024 minimum wage agreement, the social partners have initiated renegotiations of the minimum wage. While media reports indicate ongoing negotiations, no agreement has been reached so far.

## 1 National Legislation

Nothing to report.

## 2 Court Rulings

Nothing to report.

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

According to Hungarian labour law, prosecutors are governed by a special act on the legal status and employment protection of public prosecutors: [Act 164 of 2011](#) on the legal status of the Prosecutor General, prosecutors and other prosecutorial employees and on the career of a prosecutor. Hungarian prosecutors fall within the scope of Directive 2003/88/EC, therefore, this Act declares in its Article 166 to be in line with the Working Time Directive.

According to Article 56 of Act 164 of 2011:

*"(1) Work performed outside regular working hours, including during stand-by or on-call time is considered extraordinary working time.*

*(6) For the purposes of this Act:*

*a) on-call: at a place and for a period determined by the employer;*

*b) stand-by: at a place designated by the prosecutor, in relation to their workplace, and available to perform duties. During on-call and stand-by periods, the prosecutor shall ensure that he/she remains available for work and perform work under the instructions of the employer."*

Therefore, both stand-by and on-call periods of prosecutors are considered working time in Hungarian labour law.

Consequently, the case does not have any implications/impacts for Hungary.

## 4 Other Relevant Information

### 4.1 Discussions on the 2026 minimum wage

The following [agreement](#) was signed on 25 November 2024 in the Tripartite Permanent Consultation Forum of the Private Sector on the increase of the minimum wage for the period between 2025 and 2027:

- in 2025, the minimum wage was increased by 9 per cent from HUF 266 800 to HUF 290 800, and the guaranteed minimum wage by 7 per cent to HUF 348 800;

## Flash Report 11/2025 on Labour Law

- in 2026, the minimum wage is set to increase by 13 per cent to HUF 328 600, but no agreement was reached on the guaranteed minimum wage for 2026;
- in 2027, the minimum wage is projected to rise by 14 per cent to HUF 374 600, but no agreement on the guaranteed minimum wage has been reached for 2026.

The three-year agreement aimed to raise the minimum wage to 50 per cent of the gross average wage by 2027. However, the guaranteed minimum wage was only agreed for 2025, with no agreement reached for 2026 and 2027, unlike for the minimum wage. The reason for this is that it is difficult to predict the medium-term economic conditions, and more people are affected by the guaranteed minimum wage than by the minimum wage. Therefore, the parties were more cautious about the raise of the guaranteed minimum wage. It is higher than the minimum wage for workers in jobs requiring secondary education.

In addition, the tripartite 2024 minimum wage agreement (concluded on 25 November 2024) contains the following clause on the potential change in economic conditions:

The 2026 minimum wage can be renegotiated if macroeconomic conditions contained in the agreement for Q 1-3 of 2025 (8.7 per cent wage growth, 3.4 per cent GDP growth, 3.2 per cent inflation) differ significantly from those assumed in the 2024 agreement.

Due to significant deviations in economic conditions in 2025 from the initial projections, the social partners have initiated renegotiations of the 2024 agreement in 2025. There is no official report, [just media reports](#), on the negotiations in the Tripartite Permanent Consultation Forum of the Private Sector; however, no agreement has been reached so far. According to the [latest media reports](#) on the negotiations, the minimum wage is expected to increase by over 10 per cent in 2026, but the guaranteed minimum wage, which affects far more workers and has a major impact on the increase of the median wage, may increase by a smaller percentage.

# Iceland

### Summary

- (I) A court ruling on gender discrimination in determining salaries has been issued.

## 1 National Legislation

Nothing to report.

## 2 Court Rulings

### 2.1 Gender discrimination

In a *Court of Appeal* ruling delivered on 06 November 2025 in Case No. 535/2024, a woman was awarded over ISK 15 million in damages, in addition to ISK 1 million in moral damages, due to gender-based discrimination in contravention of Article 18(1) of Act on the Equal Status and Equal Rights of the Sexes No. 150/2020 (*‘Lög um jafna stöðu og jafnan rétt kynjanna nr. 150/2020’*). The complainant, a qualified lawyer, had been employed in a comparable position at the same public institution as a male lawyer. Although the male employee had more work experience and was a licensed attorney, the applicable collective agreement only justified a salary difference over the reference period of approximately ISK 1 million. However, the actual salary difference exceeded ISK 16 million ISK, which could not be justified by the factors outlined in the collective bargaining agreement. Such agreements in the public sector generally include detailed provisions on how salaries are calculated with regard to education, job experience, responsibilities, etc. The salary difference could not be justified on any other objective grounds and was therefore deemed a violation of the Equal Rights Act, leading to the award of compensatory and moral damages.

The case is significant as legislation on salaries and discrimination *inter alia* based on gender have become more stringent in recent years, including the introduction of the Equal Pay Certificate (*‘Jafnlaunavottun’*). It is therefore likely that more cases like this one will arise in the coming years, with courts expected to apply heightened scrutiny to managerial decisions on salaries.

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

Under Article 22(1)(5) of the Act on the Rights and Obligations of State Employees No. 70/1996 (*‘Lög um réttindi og skyldur starfsmanna ríkisins nr. 70/1996’*), the State Prosecutor, Deputy State Prosecutor and prosecutors are classified as public officials (*‘embættismenn’*) in Iceland. The former two are appointed by the Minister of Justice for an indefinite term, as are the District Prosecutor and Deputy District Prosecutor, while other prosecutors are appointed for five-year terms (see Article 20(1) and (2) and Article 22(1) of the Criminal Procedure Act No. 88/2008 (*‘Lög um meðferð sakamála nr. 88/2008’*)).

Chapter IX of the Act on Working Conditions, Hygiene and Safety at Work No. 46/1980 (*‘Lög um aðbúnað, hollustuhætti og öryggi á vinnustöðum nr. 46/1980’*) establishes the framework for working time in Icelandic law and implements, *inter alia*, Council Directive 89/391/ECC and Directive 2003/88/EC. Article 52(a) provides that the working time rules do not apply to senior managers or to individuals who independently determine

## Flash Report 11/2025 on Labour Law

their own working time (see point three). In addition, the rules do not apply to special circumstances associated with public sector activities, including essential security functions and urgent interests related to police investigations and law enforcement, work related to civil protection and monitoring activities related to avalanche prevention (see point four).

While the State and District Prosecutors and their deputies may fall within the exemption set out in point three, other prosecutors would not. All prosecutors, however, could fall within the scope of point four under *special circumstances*. It should be noted, however, that none of the above-mentioned acts explicitly exclude prosecutors from the rules established in the Working Time Directive or Act No. 46/1980, which transposed those rules. In addition, the author is not aware of any special administrative provisions on working time, which apply to prosecutors, nor have any court rulings been issued that clarify the matter.

In general, the working time of prosecutors in Icelandic law should therefore be organised in accordance with the Working Time Directive under normal circumstances. Although the author is not aware of a stand-by system in Iceland as that described in the CJEU ruling, it cannot be ruled out that comparable schemes would require amendment in light of the Court's interpretation of Article 2 of the Working Time Directive, in its response to the third question.

### 4 Other Relevant Information

Nothing to report.

# Ireland

### Summary

- (I) The High Court has delivered the first decision under the legislation implementing the European Works Council Directive.
- (II) The Minister for Enterprise, Tourism and Employment has published the Action Plan required by Article 4(2) of the Adequate Minimum Wage Directive.
- (III) The Minister of State for Employment, Small Business and Retail has opened a public consultation on the right to request a remote working arrangement.

## 1 National Legislation

Nothing to report.

## 2 Court Rulings

### 2.1 European Works Councils

Following the withdrawal of the UK from the European Union and the expiration of the 'transition period' on 31 December 2020, Directive 2009/38/EC (the European Works Council Directive) no longer applied to the UK. Consequently, in advance of the end of the transition period, some 70+ multi-national companies appointed their Irish subsidiary as their 'representative agent' and established new EWCs to operate under the provisions of the [Transnational Information and Consultation of Employees Act 1996](#) ('the Act'). In the case of Verizon (Ireland) Ltd, its EWC operated under the 'subsidiary requirements' contained in the Second Schedule to the Act due to a failure to come to a new agreement.

The Verizon EWC engaged the EWC Academy to be its 'expert', and when the first invoice for its advice was produced, central management failed to discharge it. The EWC then brought a complaint under Section 17(1)(a) of the Act to the Workplace Relations Commission but, because Irish law confers no separate legal personality on an EWC, the proceedings were issued in the name of the EWC Chair 'acting in a representative capacity'.

The company resisted the complaint, submitting that the advice was neither appropriate nor necessary and, moreover, that Section 17 did not apply to EWCs operating under the subsidiary requirements of the Act. The latter ground of objection was dismissed and the adjudication officer, having heard evidence as to the necessity and appropriateness of the advice, awarded 50 per cent of the sum claimed in the invoice. The claimant appealed that decision to the Labour Court which upheld the finding that Section 17 applied to EWCs operating under the subsidiary requirements but went on to hold that the Section was "*framed so as to afford statutory protection to individual members of EWCs qua individuals*". As the claimant was bringing the complaint and the subsequent appeal in a representative capacity, the Labour Court decided that this was a collective dispute and that Section 17 could not be used as a means of progressing such disputes.

On appeal to the High Court, Bolger J. ruled that the Labour Court had erred in law in disallowing the claimant's 'representative capacity' complaint, set aside the decision and remitted the matter to the Labour Court to determine in light of her findings: *Charpentier v Verizon (Ireland) Ltd* [2025] IEHC 628.

## Flash Report 11/2025 on Labour Law

In addition, and notwithstanding that the Labour Court is a 'costs neutral forum', the claimant had sought his reasonable legal costs in respect of prosecuting the appeal to the Labour Court, regardless of the outcome; provided that the appeal was not considered to have been totally without merit, frivolous or vexatious. The Labour Court decided that the issue of legal costs was 'moot' because the appeal had not been upheld. Bolger J. stated that this 'bare conclusion' belied 'the sophistication of the legal arguments' made to the Labour Court and concluded:

*"The fact that the Labour Court may not normally have jurisdiction under national legislation to award costs does not mean that it cannot be required to examine and properly determine a costs application pursuant to an Act implementing a Directive."*

Bolger J. added that the Labour Court's obligations were not limited by the fact that national legislation provides in principle for costs to follow the event. The application was not a simple 'costs follow the event' application that might be made in the civil courts. It was 'a very particular application being made pursuant to a complex Act' that required to be interpreted in light of the Directive it was implementing and 'any relevant principles of EU law'. She continued:

*"Had the Labour Court properly considered the appellant's application and the relevant provisions of [the 1996 Act] and the Directive and of EU law, it would have appreciated the nuances of the appellant's applications for costs. Specifically, the EWC, having no separate legal personality or independent financial resources, could only proceed with expert, including legal, advice and assistance. Given the requirements of the Directive, and in particular Article 11, which seeks to ensure that the effective enforcement of EWC members' rights is not deterred, the Labour Court should have considered whether it could, or should, permit an EWC or an employee to seek agreement from central management to reimburse all or some of the legal expenses associated with the claim on the basis that those expenses were necessary to satisfy the requirement of Section 17(1A) that an EWC member or employee representative had the means required to apply the rights conferred by the Directive."*

Accordingly, she ruled that the Labour Court fell into an error of law in failing to consider the claimant's argument that the provisions of the Act and the Directive, including on deterrence, required it to consider the application for costs and/or compensation "even where the appeal was not upheld" and to consider whether central management could or should be required to reimburse some or all of the expenses, including legal expenses, incurred by the claimant.

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

The prosecution system in Ireland is very different to that in Croatia and it is clear that the staff in the Office of Director of Public Prosecutions are "employees" for the purposes of the [Organisation of Working Time Act 1997](#). On the more general point as to what constitutes "working time", this decision will involve no change in the manner in which this issue has been determined to date. It is now well established that periods of stand-by time only constitute "working time" when the constraints imposed on the employee during those periods are such as to affect, objectively and very significantly, the ability the employee has to freely manage his or her time and to pursue his or her interests when their services are not required: see *Walsh v Kerry County Council* [2023] IEHC 719 and *Dublin City Council v Gilbert* DWT238, 2023.

### 4 Other Relevant Information

#### 4.1 Action Plan to promote collective bargaining

The Government has published its [Action Plan](#) to promote collective bargaining, which sets out a series of measures “to empower, promote, and protect collective bargaining, ensuring workplaces remain fair, productive, and resilient”. The plan was described by the Minister for Enterprise, Tourism and Employment as a “comprehensive strategy designed to reinforce Ireland’s long-standing system of voluntary industrial relations”.

It was developed ‘in close collaboration’ with the employer’s group (Ibec) and the Irish Congress of Trade Unions and outlines measures across five strategic pillars including closing data gaps to measure the economic and social benefits of collective bargaining; capacity building programmes; tax incentives to support union membership; strengthening protections for union representatives; and investment in digitalisation. A key issue for the trade union movement is access to workplaces and the plan, in Measure 10, commits the Department to engaging with the social partners on “digital and physical access subject to agreed criteria” over the next two years.

#### 4.2 Remote working

The right to request a remote working arrangement was introduced, with effect from 06 March 2024, by Part Three of the [Work Life Balance and Miscellaneous Provisions Act 2023](#). Section 27(6) of the Act clarifies that neither an adjudication officer, nor the Labour Court on appeal, can assess the merits of, or the reasons for, the decision reached on the request or the decision to terminate the arrangement. Consequently, in *Alina Karabko v Tiktok Technology Ltd (2024)*, [ADJ-00051600](#), the adjudication officer ruled that her jurisdiction was strictly limited to assessing whether the employer had considered the request in line with Section 21 and confirmed that she was not empowered to investigate the merits of the employer’s decision to refuse the request. To date, the Workplace Relations Commission has received 60 complaints under the Act. Eleven have been rejected, five have been resolved through mediation, 19 have been withdrawn and 24 are awaiting a decision or a hearing date.

The only successful complaint was that in *Thomas Farrell v Salesforce (2025)*, [ADJ-00052842](#), where the employer’s initial response to the claimant’s request was two days outside the four-week period prescribed by Section 21(1)(b) and the adjudication officer awarded EUR1 000 in compensation. In contrast, in *Varvara Gintaliene v Cognizant Technology Solutions Ireland Limited (2025)*, [ADJ-00053903](#), the adjudication officer did not consider it ‘just and equitable’ to award any compensation where the employer’s response was received one week late.

Section 29 of the Act requires a review of Part Three to be prepared before 06 March 2026 and the Minister of State for Employment, Small Business and Retail has now announced a [public consultation](#) seeking the views of members of the public, employers and other interested parties on the effectiveness of the legislation and the identification of any ‘unintended consequences’. In the first four days of the public consultation, the Minister received 3 427 responses; 3 205 of which were reportedly from employees.

# Italy

### Summary

- (I) OJ No. 254 of 31 October 2025 Decree Law of 31 October 2025, No. 159 (Urgent measures for the protection of health and safety in the workplace and in matters of civil protection) has been published.
- (II) The Constitutional Court has declared Article 19, first paragraph, of Act No. 300 of 20 May 1970 unconstitutional, insofar as it fails to provide that company-level union representatives may be established at the initiative of workers in every production unit, including within trade union organisations that are comparatively most representative at the national level.

## 1 National Legislation

### 1.1 Decree Law of 31 October 2025, No. 159. Urgent measures for the protection of health and safety in the workplace and in matters of civil protection

Decree Law No. 159 of 2025 provisions do not fall within the scope of this report.

## 2 Court Rulings

### 2.1 Constitutional Court, 30 October 2025, No. 156

The Court has declared Article 19, first paragraph, of Act No. 300 of 20 May 1970 (Provisions on the protection of the freedom and dignity of workers, trade union freedom and trade union activity in the workplace, and rules on job placement) unconstitutional insofar as it does not allow company-level union representatives to be established at the initiative of workers in every production unit, including within those trade union organisations that are comparatively most representative at the national level.

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

Although not formally excluded from the scope of application of the Working Time Directive, public prosecutors' working time is not regulated by any legislative or contractual provisions. Their schedules and duties are organised at the discretion of the Head Public Prosecutor, based on the needs of the office.

## 4 Other Relevant Information

Nothing to report.

# Latvia

### Summary

There have been no developments this month.

## 1 National Legislation

Nothing to report.

## 2 Court Rulings

Nothing to report.

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

As noted in the 2022 WTD implementation report, there is no explicit or adequate regulation of working time and rest periods for judges and [prosecutors](#); thus, Directive 2003/88/EC has not been properly transposed. Some aspects of working time for judges are regulated by the [Law on Remuneration for Officials and Employees of the State and Municipal Institutions](#).

For other employees (including in the public sector), the [Labour Law](#) applies. This legislation provides detailed rules on working time and rest periods and generally correctly implements Directive 2003/88/EC.

Nevertheless, Latvian law does not comply with the CJEU decision in case NI, as it remains silent regarding the working time and rest periods applicable to prosecutors.

## 4 Other Relevant Information

Nothing to report.

# Liechtenstein

### Summary

There have been no developments this month.

## 1 National Legislation

Nothing to report.

## 2 Court Rulings

Nothing to report.

## 3 Implications of CJEU Rulings

*CJEU case C-373/24, Ramavić*

In case C-373/24, the CJEU (Sixth Chamber) ruled as follows:

Article 1(3) of Directive 2003/88/EC of the European Parliament and of the Council of 04 November 2003 concerning certain aspects of the organisation of working time, read in conjunction with Article 31 of the Charter of Fundamental Rights of the European Union, must be interpreted as meaning that public prosecutors fall within the scope of that directive.

Public prosecutors fall within the scope of Article 9 et seq. of the Liechtenstein [Labour Act \('Gesetz über die Arbeit, Industrie und Gewerbe, ArG', LR 822.10\)](#), which regulates working time. Liechtenstein law is therefore fully in line with CJEU judgment C-373/24 in this respect.

Article 2 of Council Directive 89/391/ECC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, to which Article 1(3) of Directive 2003/88/EC refers, must be interpreted as meaning that it precludes national legislation which excludes the activity of public prosecutors from the scope of Directive 2003/88/EC, in so far as that activity, where it is carried out in normal circumstances, may be subject to the planning of working time in a way that respects the requirements imposed by Directive 2003/88/EC.

Article 1 of the Liechtenstein [Labour Act \('Gesetz über die Arbeit, Industrie und Gewerbe, ArG', LR 822.10\)](#) provides that the law applies to all public and private organisations. Art. 3a(2)(a) stipulates that the provisions of this Act concerning rest periods and working time shall apply to the federal administration and municipal administration. Liechtenstein law is therefore also fully in line with CJEU judgment C-373/24 in this respect.

Article 2 of Directive 2003/88/EC must be interpreted as meaning that a period of time on stand-by carried out outside of normal working time by public prosecutors, which requires the mandatory presence of those prosecutors at the workplace, or a period of time on stand-by according to a stand-by system, which requires the public prosecutor to be present at his or her home, must be classified as 'working time' within the meaning of Article 2, in so far as, during those periods of time on stand-by, the constraints imposed on those public prosecutors are such that they objectively and very significantly affect the ability, for those public prosecutors, freely to manage, during those periods, the time during which their professional services are not required and to use that time to pursue their own interests.

## Flash Report 11/2025 on Labour Law

Article 14(1) of the Liechtenstein Ordinance I to the Labour Act (*Verordnung I zum Arbeitsgesetz, ArGV 1*, LR 822.101.1) defines periods of time on stand-by as follows: when on call, workers are available for work assignments in addition to their regular working hours, such as troubleshooting, providing assistance in emergency situations, conducting inspections or similar special events. On-call duty can be performed both on site (stand-by duty) and off site (on-call duty).

Article 15 of the Liechtenstein Ordinance I to the Labour Act (*Verordnung I zum Arbeitsgesetz, ArGV 1*, LR 822.101.1) provides as follows:

*"(1) If on-call duty is performed at the workplace (stand-by duty), the entire time made available constitutes working time.*

*"(2) If on-call duty is performed outside the workplace (on-call duty), the time made available shall be counted as working time to the extent that the worker is actually called upon to work. In this case, the time spent travelling to and from work shall be counted as working time."*

Liechtenstein has largely adopted Swiss labour law. Given the country's small size, court decisions are relatively rare. The Liechtenstein courts therefore regularly follow Swiss case law and doctrine. According to decision BGE 124 III 251 of the Swiss Federal Supreme Court, on-call duty performed by a worker outside the workplace generally constitutes working time that is subject to compensation. The Liechtenstein law on working time in terms of on-call duty, which is identical to Swiss law, can therefore be interpreted in accordance with the case law of the CJEU.

## 4 Other Relevant Information

Nothing to report.

# Lithuania

### Summary

There have been no developments this month.

## 1 National Legislation

Nothing to report.

## 2 Court Rulings

Nothing to report.

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

The CJEU ruling should be assessed from two perspectives:

- the recognition of prosecutors as 'workers' within the meaning of Directive 2003/88/EC, and
- the classification of stand-by duty periods as working time.

In Lithuania, state prosecutors are not treated as employees but as a distinct category of public servants whose legal status and essential working conditions are governed by a specific statute – the [Law on the Prosecutors' Office](#). Working time, stand-by duty, and related rules are regulated in detail under Article 58-1 of that Law; therefore, the provisions of the Labour Code do not apply to state prosecutors. Pursuant to Article 58-1(10) of the Law on the Prosecutors' Office, a prosecutor is remunerated for work and on-call duty on weekends and public holidays counted as working time recorded in their working-time sheets. Stand-by duty at home is not counted as working time, except for time spent performing urgent tasks upon arrival at the workplace. This mirrors verbatim Article 118(5) of the Labour Code, which states that an employee's presence outside the workplace while being available to perform certain tasks or come to work if needed (passive on-call duty at home) is not considered working time, except for the period of actual performance of tasks. Thus, both legal acts—the Law on the Prosecutors' Office for prosecutors and the Labour Code for employees—exclude passive stand-by duty from working time, a position that already is problematic in light of established CJEU case law. However, two considerations are relevant. First, Lithuanian legislation provides compensatory supplements (20 per cent for employees and a 50 per cent *pro rata temporis* supplement for state prosecutors), while any actual work performed during stand-by duty is treated as working time. Second, employees benefit from additional statutory safeguards:

- stand-by duty must be agreed in the employment contract;
- actual working time may not exceed 60 hours per week;
- an employee may not be assigned to passive stand-by duty at home on any day during which they have already worked at least 11 consecutive hours;
- minors may not be assigned to passive stand-by duty or passive duty at home.

However, these safeguards do not apply to state prosecutors under the Law on the Prosecutor's Office. Instead, the Law provides a 50 per cent *pro rata temporis*

## Flash Report 11/2025 on Labour Law

supplement for stand-by duty or, alternatively, allows the prosecutor to request that 1.5 hours of paid time off be added to their annual leave for each hour of stand-by duty performed (Article 58-10(7) of the Law). In practice, no disputes have yet arisen regarding prosecutors' stand-by duty, as these provisions were only recently introduced (in 2022) and were developed in consultation with prosecutors' trade unions.

The CJEU judgment in *C-373/24, Ramavić* may trigger renewed debate on whether Lithuania's national rules align with Directive 2003/88/EC. Any related disputes concerning state prosecutors will fall under the jurisdiction of the administrative courts rather than the courts of general jurisdiction. The latter have already developed an EU-consistent interpretation of Article 118(5) of the Labour Code. Most recently, the Supreme Court of Lithuania held that an employee's on-call duty spent at home may qualify as working time, depending on the extent to which it restricts an employee's personal life. Where an employer's requirements significantly interfere with the employee's private and social interests—especially when the employee must remain at a specific location and be ready to start work immediately—the constraints are substantially severe for the on-call period to be treated as working time rather than rest time. Consequently, such on-call duty performed at home cannot be classified as a rest period (Lithuanian Supreme Court, 20 December 2023, No. e3K-3-328-684/2023). Administrative courts, however, are not bound by this ruling. Their assessment will focus on the Law on State Prosecutor's Office and they may not necessarily follow the Supreme Court's approach developed in the context of the Labour Code.

### 4 Other Relevant Information

Nothing to report.

# Luxembourg

### Summary

- (I) A bill has introduced labour law derogations for occasional seasonal workers in agriculture, viticulture and certain activities in horticulture.

## 1 National Legislation

### 1.1 Flexibility for occasional work in agriculture, viticulture and horticulture

A bill (*Projet de loi n° 8658 portant modification du Code du travail en matière de relations de travail dans les secteurs de l'agriculture, de la viticulture et de l'horticulture*) has been introduced to provide certain labour law flexibilities for the agricultural, viticultural and horticultural sectors, where occasional work is common.

Seasonal employment contracts (*'contrat saisonnier / occasionnel'*) are defined as contracts for work primarily related to the production of fruit and vegetables, concluded in the agriculture and viticulture sectors, as well as in horticultural undertakings producing fruit and vegetables, and are limited to a maximum duration of three months per calendar year.

The hiring of such workers is facilitated from a medical examination perspective. Under normal circumstances, every employee must undergo a pre-employment medical examination. For positions that are not classified as high-risk (*'postes à risques'*), it is sufficient for this examination to take place within two months of hiring. This requirement can be difficult to meet in practice for short-term contracts. The bill therefore provides that it will suffice to submit a predefined medical form, completed by a physician practising within the European Union, to the occupational health doctor (*'médecin du travail à la Division de la santé au travail et de l'environnement'*), who may then determine the employee's capacity for the respective position. This form may not be older than six months at the commencement of employment; the employer bears the associated cost.

This provision does not apply to workers in high-risk positions (*postes à risques*). Manual agricultural work does not constitute such a position (including work with secateurs, knives, etc., but excluding motorised machinery and the use of hazardous substances).

Certain horticultural undertakings, specifically those producing fruits and vegetables, are exempt from the prohibition on Sunday work. Agriculture and viticulture had already been exempted (Article L. 231-6(1) of the Labour Code).

For contracts not exceeding one month, there is no obligation to issue a monthly payslip. It is sufficient to provide the payslip no later than the day following the end of the employment relationship. The salary must also be paid within this period. This provision reflects the fact that these workers are often individuals who wish to be paid quickly in order to return to their home country.

Another measure extends to designated tasting or consumption areas located on agricultural, viticultural or horticultural premises the rules on working time that already apply in the catering sector.

It should be recalled that working time rules in the agricultural sector were addressed in the [Law of 03 March 2020](#), which introduced Articles L. 216-1 et seq. of the Labour Code.

This bill represents a political response to the perception that labour law is too rigid for these sectors. As with other exceptions introduced in the past for particular categories of employees (e.g. sports or academic researchers), it remains open whether these

## Flash Report 11/2025 on Labour Law

derogations are justified, and whether similar considerations might be applicable to other sectors of activity.

### 1.2 Legal basis for certain commission allowances

A bill has been introduced to amend several provisions of the Labour Code to establish a statutory (legal) basis for a Grand-Ducal regulation determining the allowances of members, chairs, secretaries and experts of various commissions, including the Special Commission for the Review of ADEM ('Job Centre') Decisions (*'commission spéciale de réexamen des décisions de l'ADEM'*), the Medical Commission (*'Commission médicale'*), the Orientation and Professional Redeployment Commission (*'Commission d'orientation et de reclassement professionnel'*), and the Tripartite Monitoring Committee (*'Comité de suivi tripartite'*).

The reform responds to the new requirements issued by the Financial Control Directorate (*'Direction du contrôle financier'*), which mandate that any allowance paid in connection with a legally established mandate must be grounded in either a law or a Grand-Ducal regulation. The bill also seeks to harmonise and secure the organisation, functioning and procedural rules applicable to these bodies.

## 2 Court Rulings

### 2.1 Posting or employer transfer?

*Court of Appeal, 3e, 15 July 2025, No. 95/25, No. CAL-2023-01124*

The Court of Appeal has clarified the distinction between transnational posting (*'détachement transnational'*) and a change of employer (*'changement d'employeur'*). It reaffirmed that, under both European Union law and national law, posting presupposes a temporary provision of services in another Member State, even if that period extends over several years.

The decision concerned an employee hired by an Italian company and sent to work in Luxembourg for nearly four years to work on a shopping centre construction project.

In line with European case law, the Court carried out a comprehensive assessment of the facts, highlighting several indicators demonstrating the continued existence of an employment relationship with the Italian company. These included uninterrupted remuneration paid by the home undertaking, continued affiliation to the Italian social security system, payment of posting allowances (*'indemnités de détachement'*), management of working conditions during the pandemic, responsibility for international travel, determination of bonus levels, and the employee's own description of himself as a 'posted worker'. While the Luxembourg entity exercises local organisational authority, it did so solely in its capacity as the host undertaking (*'entreprise d'accueil'*), consistent with the standard posting framework.

The Court therefore confirmed that the employee was indeed posted to Luxembourg and that such posting does not alter the employer's identity, which remained the Italian company. This outcome is consistent with both EU and French case law, which hold that a cross-border operational arrangement does not affect the employer status of the sending undertaking, even where certain formal requirements of posting are not fully met. It may be inferred from the judgment that the decisive factor is not the duration of the stay, but the maintenance of an organic and functional link (*'lien organique et fonctionnel'*) with the sending company. Simply performing duties in another country for an extended period does not, in itself, automatically give rise to a change of employer.

### 2.2 Non-competition clauses

*Court of Appeal, 3e, 13 February 2025, No. 21/25, No. CA03 CAL-2023-00297*

This judgment concerns non-competition clauses (*clauses de non-concurrence*), which are only partially regulated by the Labour Code (Article L. 125-8), with the remainder governed by case law balancing the employee's freedom to work against the employer's legitimate business interests. In the [present case](#), the clause provided for a non-competition indemnity equivalent to 12 months' salary; such indemnification is not legally required for the clause to be valid.

The employer did not wish to enforce the post-contractual non-competition obligation and declared its intention to waive it. The Court, however, recalled that in the absence of an express contractual stipulation, such a waiver is not possible. The employer then sought to challenge the validity of the clause based on the statutory rules (Article L. 125-8 above) and relevant case law. The Court reiterated that this constitutes a relative nullity (*nullité relative*), established solely in the employee's interest. An employer cannot invoke principles designed to protect the employee to avoid its own contractual commitments.

A final point of contention concerned the amount of the non-competition indemnity, expressed in months of salary; the judges emphasised that the thirteenth month of salary must be included on a pro rata basis.

### 2.3 Internship or employment? Impact on jurisdiction clause

*Court of Appeal, 3e, 15 May 2025, No. 57/25, No. CA03 CAL-2024-00402*

This [decision](#) concerned an internship agreement (*contrat de stage*) containing a jurisdiction clause in favour of the Courts of Liège (Belgium). The intern, a student at the University of Liège, claimed remuneration exceeding his internship allowance (*indemnité de stage*), arguing that he had in fact performed work as an employee.

The intern brought proceedings before the Luxembourg courts, contending that the jurisdiction clause was invalid under Articles 21 and 23 of the Brussels Ibis Regulation. The Court noted that the Regulation contains specific rules restricting jurisdiction clauses in employment contracts, but not in internship agreements. The central question therefore was whether the relationship between the parties constituted a genuine internship or should be requalified as an employment contract.

To resolve this question, the Luxembourg judges relied in particular on the case law of the Court of Justice of the European Union concerning the notion of an employment contract. When assessing whether an agreement labelled as an internship agreement should be requalified as an employment contract, the court must examine whether the service provider performed, under the beneficiary's direction and control, effective tasks genuinely useful to that beneficiary, ordinarily entrusted to an employee, and "under the conditions of a genuine and effective salaried activity", to use the wording of the CJEU (the judges specifically referred to judgment *CJEU, 9 July 2015, Case C-229/14 (Ender Balkaya v Kiesel Abbruch- und Recycling Technik GmbH)*).

On this basis, the Court assessed the facts. It was undisputed that the individual had flexible hours allowing him to attend university courses and was not required to comply with the company's standard working hours. The mere obligation to comply with the host company's internal regulations (*règlement d'ordre intérieur*), in particular the health and safety rules, does not indicate the existence of a relationship of subordination characteristic of an employment contract. Beyond this, there was no evidence of subordination indicative of an employment relationship.

The Court therefore held that the agreement was indeed an internship agreement and not an employment contract; consequently, the jurisdiction clause was valid, and the Luxembourg courts declared themselves territorially incompetent.

### 2.4 Qualified minimum wage

*Court of Appeal, 3e, 24 April 2025, No. 47/25, No. CAL-2024-00467*

*Court of Appeal, 8e, 27 March 2025, No. 38/25, No. CAL-2023-00340*

Two decisions of the Court of Appeal merit attention with respect to the so-called 'qualified' social minimum wage (*'salaire social minimum qualifié'*). While not strictly speaking new, these decisions reaffirm the strict application of statutory provisions by the case law.

Luxembourg provides for a statutory minimum wage, which is increased by 20 per cent for workers deemed 'qualified' (*'salariés qualifiés'*). Qualification is determined by a combination of the diploma criterion (formal qualification) and the number of years of relevant professional experience, pursuant to Article L. 222-4 of the Labour Code.

The first decision has cross-border and European significance. Confirming earlier case law, the Court held that a foreign diploma that has not been formally recognised (*'homologué'*) cannot be taken into consideration. Where the employer contests the qualification, the employee cannot rely on a diploma that has not been duly recognised for the period in respect of which the qualified minimum wage is claimed. In the present case, this specifically concerned a licence awarded by a technical university institute in Moselle-East (France).

The second decision reiterates that the qualified minimum wage is payable only if the employee was actually assigned to duties corresponding to that qualification. The Court emphasised that an employee is free to accept a position requiring a lower qualification than the one they hold. The 20 per cent wage increase is therefore payable only on the condition that the employee has effectively or genuinely performed the functions corresponding to their qualification.

In the present case, the employee had accepted a position as an assistant sanitary heating installer (*'aide-monteur chauffage sanitaire'*), which did not meet the required qualifications. Although the employee held, in principle, qualifying diplomas, performing unskilled work prevented him from claiming the 20 per cent increase applicable to the qualified minimum wage.

### 2.5 Invalidity of retention clauses

*Court of Appeal, 8e, 27 March 2025, No. 42/25, No. CAL-2024-00025*

Employers often attempt to introduce various mechanisms to retain employees, but the principle of freedom of work (*'liberté de travail'*) imposes significant limits on such initiatives. These limits were confirmed in a judgment concerning the validity of a clause providing that a bonus (in this case, a thirteenth-month payment) would not be payable if the employment contract were terminated during the course of the year, regardless of the reason. In the present case, the employee had been dismissed with notice, and the dismissal was not considered unjustified.

Nevertheless, the Court invalidated the clause as contrary to public policy. According to the judgment, it is therefore not permissible to condition the payment of certain benefits on the employee remaining with the company on a given date.

### 2.6 Equal treatment of part-time workers (bonus payments)

*Court of Appeal, 8e, 12 June 2025, No. 74/25, No. CAL-2022-00650*

In the present case, the issue concerned whether certain bonuses (*primes*) were payable to part-time employees and whether such bonuses had to be prorated.

## Flash Report 11/2025 on Labour Law

In this context, Luxembourg has transposed Directive 97/81, in particular Clause 4 of the framework agreement, now reflected in Article L. 123-7(1) of the Labour Code, which provides that:

“Taking account of their working time and their length of service within the undertaking, the salary of employees working part time shall be proportional to that of employees who, with equal qualifications, are employed full time in an equivalent position within the undertaking or establishment.”

Article L. 121-3 of the Labour Code allows the parties to an employment contract to derogate from this principle, but only in a manner that is more favourable to the employee.

Referring in particular to French case law, the Luxembourg judges held that prorating must apply to a conventional bonus where the collective agreement or company agreement contains no more favourable provision granting the bonus in full to part-time employees. Furthermore, this principle of prorating applies only where the contractual benefit is measured by reference to a volume of working time. Conversely, where bonuses provided by a collective agreement that are fixed, lump sum amounts (*caractère forfaitaire*) must be granted in full to part-time employees.

This judgment is noteworthy in two respects:

- Equality of treatment between full-time and part-time workers is a ‘one-way’ principle. In other words, it is not prohibited to treat full-time employees less favourably than part-time employees.
- A benefit that is not linked to working time is not subject to prorating. This raises numerous questions regarding various lump sum bonuses not tied to salary or working time.

In the present case, the Court interpreted the collective agreement as meaning that one of the bonuses was to be prorated, while the other was to be paid in full to part-time workers.

### 2.7 Privacy and personal data

*Court of Appeal, 3e, 8 May 2025, No. 54/25, No. CAL-2024-00233*

In the present case, an employee had been dismissed (*licencié*) for incorrectly recording and manipulating information relating to working time performed. The employer conducted checks based on entry and exit data collected through the employee’s individual badge (*time-tracking system, système de pointage*). The employee contended that the employer could not rely on such data for this purpose. The issue was therefore the lawfulness and admissibility of the evidence.

The employer demonstrated that the company’s internal regulations (*règlement interne*) required employees to use their badge upon entry and exit and expressly stated that the badge ‘also serves for the recording of working hours’, notably ‘for reasons of security and control’. The internal regulations further stated that ‘any fraud is sanctioned’. The collective agreement similarly provided that falsifying working hours constitutes gross misconduct (*faute grave*). The employer also proved that the employee had been fully aware of both the internal regulations and the collective agreement.

The Court concluded that the employee had been sufficiently informed of both the existence and purposes of the data recording. He was also aware that he was not permitted to pass through the entry gate accompanied by other employees and was required to badge individually. Accordingly, the evidence was deemed admissible for disciplinary purposes, and the dismissal was upheld.

It is worth noting that the judgment does not address the employer’s general obligation, in any event, to record working time (cf. CCOO-decision).

### 2.8 Data protection officer – functional protection against dismissal

*Court of Appeal, 3e, 10 July 2025, No. 87/25, No. CAL-2023-01144*

The present case concerned the dismissal of an employee serving as a Data Protection Officer (*'délégué à la protection des données' – DPO*), on the grounds of insufficient knowledge, diligence, productivity, availability and communication, as well as dishonest behaviour relating to the recording of overtime.

The employee sought to defend himself by invoking his status as DPO, arguing that it conferred special protection. The Court of Appeal, relying on Article 38 GDPR and relevant case law of the Court of Justice of the European Union (*Leistriz AG v LH, Case C-534/20, 2022*), held that the protection established by Article 38 GDPR is primarily intended to safeguard the DPO's functional independence (*'indépendance fonctionnelle'*) and thereby ensure the effectiveness application of the GDPR. Consequently, a dismissal based on grounds unrelated to that functional independence does not fall within the scope of that protection.

As the criticisms justifying the dismissal were unrelated to the DPO's independence or freedom to exercise his tasks, the employee could not invoke any special protection.

In this respect, the special protection conferred on a DPO is distinct from that granted to individuals by virtue of their personal status (pregnancy, illness), and also from certain protection linked to specific functions (e.g. employee representatives). It is comparable instead to the functional protection afforded to certain employees who must maintain independence in carrying out specialised tasks, such as workers designated for health and safety duties (Article 312-3 (2) Code du travail) or employees protected in their role as AI compliance officers (AI-Act).

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

This decision establishes that, in principle, public prosecutors (and in the Luxembourg context, their *'deputies'*, *'substitut du Procureur'*) are subject to the European Framework on Working Time. Nothing justifies their exclusion—particularly from the perspective of occupational health and safety—and that their stand-by duties must, in principle, be regarded as working time.

In Luxembourg, prosecutors hold the status of magistrates. They are not fully subject to the civil-service statute, although their regime is, in practice, partly inspired by it. As regards working time, the matter remains debated, and, to the authors' knowledge, no clear legal position has yet been established. In particular, the recent [Law of 23 January 2023](#) on the status of magistrates (including prosecutors) primarily addresses independence and disciplinary matters and does not regulate working conditions or working time.

A judgment of the Administrative Court is of particular relevance, holding that: 'it should nevertheless be noted that it would be incorrect to assert that magistrates qualify as State civil servants, given that, in view of the imperatives of independence and impartiality characterising the function of magistrate, together with the constitutionally guaranteed security of tenure (*'inamovibilité'*) underlying their status, no relationship of subordination can be established between a magistrate and his or her public employer, particularly as regards his or her judicial function, albeit that in the absence of a specific statutory regime governing all aspects of the magistrate's function, the legislator may, where appropriate, make reference to—and apply to magistrates—elements expressly

## Flash Report 11/2025 on Labour Law

identified and derived from the general civil service statute' (Administrative Court of Appeal, 19 June 2018, No. 40889C).

At present, the practical situation is that the working time of magistrates in general, and prosecutors in particular, is not formally recorded. They are not subject to the same regime as civil servants, especially regarding time-tracking systems or time-savings accounts (*'compte épargne-temps'*). Many prosecutors perform stand-by duties during weekends and nights, notably to respond to requests from police services, requiring both availability and rapid decision-making. Such interventions are most often carried out remotely, but may also require physical presence (at the crime scene). There is no formal system treating these on-call periods as working time, especially with respect to daily/weekly rest periods or maximum working time. Prosecutors receive an allowance linked to their functions, intended to compensate for the various constraints inherent in their role.

### 4 Other Relevant Information

Nothing to report.

# Malta

### Summary

There have been no developments this month.

## 1 National Legislation

Nothing to report.

## 2 Court Rulings

Nothing to report.

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

The scope of the present case (i.e. public prosecutors and the reckoning of their working time) is not excluded from the remit of the Organisation of the Working Time Regulations, 2004 (S.L. 452.87). On-call time for public prosecutors is not excluded, either.

In the Maltese system, public prosecutors are employed by the State through an [Agency](#) (which functions as a special type of parastatal entity). The nature of their engagement is unknown (and the information is not publicly available). Given that there is no law prohibiting the judgment's application, whether it has any specific implications in practice remains uncertain.

What is clear, however, is that if prosecutors were to have on-call duties, this judgment should apply to the calculation of their working time. Employment agreements and/or collective agreements for prosecutors are not publicly available. No legislation refers to such conditions in public prosecutors' agreements, and the official website of the Attorney General's office is silent on this matter.

## 4 Other Relevant Information

Nothing to report.

# Netherlands

## Summary

- (I) Asylum seekers with a high probability of obtaining a residence permit can work after three months.
- (II) Senate approves stricter rules for temporary agency work.
- (III) Bill on Act on the Future of Pensions commitments and other pension matters submitted to the Council of State.
- (IV) Court rulings on the temporariness of assignments to user undertakings, Whistleblower Directive and on the Directive on Transparent and Predictable Working Conditions.

## 1 National Legislation

### 1.1 Asylum seekers with a high probability of obtaining a residence permit can work after three months

The Dutch rules governing the employment of asylum seekers are being [updated](#). Individuals with a high probability of obtaining a residence permit will be permitted to work sooner, whereas those with a low probability will no longer be eligible to work.

Key points:

- Asylum seekers with a high probability of obtaining a residence permit will be allowed to work after three months (currently six months).
- Asylum seekers with a low probability of being granted asylum, such as people from designated safe countries, will no longer be allowed to work.
- Minister Mariëlle Paul emphasises that individuals likely to remain in the Netherlands should begin participating in the labour market as early as possible, while those who cannot remain in the country should not work.
- These changes stem from the EU Asylum and Migration Pact, which will take effect on 12 June 2026 and establish a unified European asylum system.
- The pact accelerates procedures for asylum seekers from safe countries, enabling quicker decisions regarding work eligibility.
- The 24-week rule (limiting asylum seekers to a maximum of 24 working weeks within a 52-week period) will be formally abolished; it had already ceased to be enforced following a 2023 court ruling.
- Since the rule ceased to apply, the number of work permits issued to asylum seekers has increased sharply.
- Allowing eligible asylum seekers to work earlier helps address labour shortages and supports integration by promoting language learning and social participation.
- The proposed regulatory changes were published for public consultation on 03 November 2025, with the consultation period running until 30 November 2025.

### 1.2 Senate (*Eerste Kamer*) approves stricter rules for the lending market

The Dutch Senate (*Eerste Kamer*) has [approved](#) the Act on the Admission of Labour Deployment (*Wet toelating terbeschikkingstelling van arbeidskrachten, Wtta*), introducing a permit system for employment agencies and other companies that supply

## Flash Report 11/2025 on Labour Law

temporary workers. The law aims to protect workers, especially labour migrants, and ensure fair competition. Key points:

- From 01 January 2027, companies may supply workers only if they hold an official admission permit.
- Companies must register with the Dutch Authority for the Lending Market (NAU) before this date.
- From 01 January 2028, the Dutch Labour Inspectorate will begin enforcing the rules.
- Companies operating without a permit, as well as companies hiring through unlicensed agencies, will be subject to fines.
- To obtain a permit, agencies must submit a Certificate of Conduct (VOG) and pay a EUR 100 000 deposit.
- They must also demonstrate compliance with existing legislation, including payment of the legal minimum wage.
- NAU will oversee the admission process, collect labour market-related data, advise on improvements, and designate inspection bodies.
- NAU will begin operating in 2026, including selecting inspectors and opening the registration portal.
- The law follows recommendations issued by the Roemer Commission on protecting labour migrants.
- The government has already expanded the Dutch Labour Inspectorate by 135 FTE and opened multiple support centres for labour migrants, with additional centres planned.
- Another law is pending in the Senate to facilitate the prosecution of serious exploitation of labour migrants.

### 1.3 Bill on Pension Act commitments and other pension matters submitted to the Council of State (Raad van State)

The Dutch cabinet has approved the [Bill](#) on the Act on the Future of Pensions (*Wet toekomst pensioenen, Wtp*) commitments and other pension matters, which has now been submitted to the Council of State for review. The proposal introduces several technical amendments to the Pension Act, primarily relating to survivors' pensions and disability-related pension accrual, without affecting the transition to the new pension system.

#### 1.3.1 Key points

##### 1.3.1.1 Survivors' pension

- A single, uniform legal definition will be introduced to determine when a child qualifies for an orphan's pension. This is relevant for stepchildren, foster children, and children in blended families.
- Under current rules, coverage for the orphan's pension continues for up to six months after the end of employment or during periods of unemployment or sickness benefits.
- The bill enables individuals to voluntarily extend this coverage beyond the six-month period, similar to the existing option available for partner pension coverage.

## Flash Report 11/2025 on Labour Law

### 1.3.1.2 Pension accrual during disability

- In case of disability, pension accrual for the disabled portion generally continues without the need for premium payments.
- The Wtp already contained transitional provisions for insurers and closed pension funds with no remaining employer.
- Practical issues have emerged, prompting the bill to expand these transitional arrangements to ensure ongoing protection for affected individuals.

### 1.3.1.3 Equal adjustment rules in the flexible contribution scheme

- The Wtp allows pension accrual under two systems:
  - Solidary contribution scheme (greater risk-sharing)
  - Flexible contribution scheme (more individual freedom)
- In the flexible scheme, pension payments for different retirees could previously be adjusted at different annual rates, creating administrative and communication challenges.
- The bill enables uniform annual adjustments for newly retired beneficiaries, aligning this option with what already exists under the solidary scheme.

### 1.3.2 Next steps and entry into force

- The bill has been submitted to the Council of State (*'Raad van State'*) for review.
- After the government considers the advice, the bill will be submitted to the House of Representatives (*'Tweede Kamer'*), and subsequently to the Senate (*'Eerste Kamer'*).
- If adopted by both chambers, the law could enter into force on 01 January 2027, depending on the parliamentary timeline.

## 2 Court Rulings

### 2.1 Temporariness of assignment to user undertaking

*Supreme Court 21 November 2025, ECLI:NL:2025:1733 (Upfield)*

This central question the Supreme Court had to address was whether Upfield (as the user undertaking) abused the agency relationship with the worker within the meaning of Article 5(5) of Directive 2008/104/EC.

Key facts for cassation: the worker joined temporary work agency Randstad in 1996 and has been on a permanent contract with the agency since 1999. He was assigned to Unilever (the user undertaking) from 2003, reassigned there on 02 July 2009, and worked continuously thereafter. In 2015, Unilever changed to a different temporary work agency, Adecco; in 2018, Unilever's margarine activities were sold to Upfield (new user undertaking), and temporary work agency services later reverted to Randstad, which continued to assign the worker to Upfield. Upfield announced the plant's closure in 2021; production was wound down in mid-2022, and the worker last worked in June 2022. A Social Plan negotiated for Upfield's permanent staff expressly excludes temporary/agency workers. The worker claims that, from 02 July 2009, he has been an employee of Upfield under an indefinite contract and is thus entitled to the Social Plan and collective agreement payments; Upfield disputes this. Randstad has paid his sickness pay and handled his reintegration since June 2022.

The Supreme Court ruled as follows:

## Flash Report 11/2025 on Labour Law

1. As evidenced by the facts, between 2009 and 2022, the agency worker performed work for Upfield and its predecessor under three successive agency contracts with staffing agencies, and three successive assignments given to those agencies, rather than under a single assignment or agency contract as was determined on appeal.
2. The proposition that the long duration of the assignment (13 years) constitutes, by itself, an indication of abuse cannot be upheld. According to the Temporary Agency Work Directive, the temporary nature of agency work must be ensured. This requirement applies irrespective of whether there is a single continuous assignment or multiple successive assignments. Accordingly, the principle stated in *Daimler*, paragraph 63 concerning successive assignments also applies where the agency worker's tasks at the user undertaking lack a temporary character, even in the absence of successive assignments. Abuse of the agency arrangement must therefore be assumed when the duration of the worker's activity at the user undertaking exceeds what can reasonably be considered 'temporary' in light of all relevant circumstances, and no objective justification is provided for the actual length of the assignment.
3. Upfield's need for a flexible workforce does not constitute an objective justification for the use of the agency contract. The agency worker was continuously made available to Upfield and its predecessor for 13 years. Upfield's general need for workforce flexibility cannot serve as an adequate explanation, as it is clear that both Upfield and its predecessor had a continuous need for the agency worker throughout that period.

The Supreme Court referred the case to the Amsterdam Court of Appeal for further review and decision.

### 2.2 Whistleblower protection

*District Court Gelderland, ECLI:NL:RBROT:2025:9448, 23 October 2025 (published 31 October 2025)*

This ruling concerned the Dutch Whistleblower Protection Act (*Wet bescherming klokkenluiders, Wbk*), which implements the [Whistleblower Directive \(2019/1937\)](#). The employee joined New Movements Innovations B.V. (NMI) on 01 January 2022 as a Senior Consultant R&D. On 26 July 2024, he communicated by email his intention to make a whistleblower report under NMI's internal whistleblowing policy, citing alleged irregularities. The employee argued that, under the Dutch Whistleblower Protection Act (*Wet bescherming klokkenluiders*), a legal presumption exists that the termination of his employment was related to this whistleblower report.

However, the Court found that NMI had already initiated plans for business closure prior to the whistleblower announcement. Specifically, NMI had met with its legal representative on 20 June 2024 to discuss poor financial results and the potential termination of business activities. Following the employee's announcement on 26 July 2024, NMI sought advice from its works council on 29 July 2024, regarding the closure, but there was no evidence that this request was influenced by the whistleblower notification. Accordingly, the Court concluded that the employee's termination was unrelated to his whistleblower report, and no adverse action in violation of whistleblower protection law had occurred.

The termination during the employee's sickness was deemed lawful, as NMI substantiated the economic necessity of closing the business, demonstrated adequate efforts to reassign the employee, and obtained approval from the Employees Insurance Agency (*UWV*). The employee's request for reinstatement of the employment contract was denied.

## Flash Report 11/2025 on Labour Law

*Court of Appeal 's-Hertogenbosch, [ECLI:NL:GHSHE:2025:2920](#), 23 October 2025 (Published 29 October 2025)*

This ruling also concerned the Dutch Whistleblower Protection Act. The employee had joined the Municipality of Kerkrade on 01 May 2019 as a financial policy advisor and senior staff member, and was required to report any secondary employment. On 02 October 2023, he called in sick. Subsequently, the municipality discovered that his name appeared on the signage of a law firm, indicating that he had been working as a lawyer since 2022. The employee claimed he had reported a suspected wrongdoing under the Dutch Whistleblower Protection Act (*Wet bescherming klokkenluiders, Wbk*), but the Court found that he had not provided credible evidence of such a report prior to his suspension on 05 January 2024, and the termination request submitted on 29 March 2024.

In both first instance and on appeal, the courts concluded that the whistleblower protection under Article 17 Wbk did not apply because the employee failed to demonstrate that he had made a report of a suspected wrongdoing prior to the employer's actions. Testimony from multiple witnesses and submitted evidence, including audio recordings, were deemed insufficient or inadmissible. The courts also upheld that the employee's work as a lawyer conflicted with his full-time municipal duties, creating an undue burden and potential conflicts of interest, particularly given that the law firm was engaged in litigation against the municipality. Consequently, the employee's claims under whistleblower protection were rejected, and the municipality's appeal largely failed, except for a minor adjustment to the severance payment.

This case emphasises that, for whistleblower protection to apply, an employee must provide credible evidence of a timely report of suspected wrongdoing made prior to any adverse employment action.

### 2.3 Study-cost clause

*District Court Overijssel, [ECLI:NL:RBOVE:2025:6421](#), 04 November 2025*

This case concerned the validity of a study-cost clause as regulated by Article 13 [Directive \(EU\) 2019/1152](#) and [Article 7:611a Dutch Civil Code](#). The employee had joined the employer on 01 June 2023 as an administrative assistant. On 25 July 2023, the parties signed a study-cost agreement for a modern business administration course, scheduled to start on 01 September 2023 and lasting 12 months, with total costs of EUR 5 758.30. The agreement included a sliding repayment scheme in the event of termination of employment and required full repayment if the course was not completed. It further specified that the training was not mandatory under Dutch law. The employee commenced the course on 13 September 2023. In mid-September 2024, the employer informed the employee that the contract would not be renewed and proposed a settlement agreement, seeking to offset October 2024's final salary against EUR 8 454.04 in study costs claimed from the employee. The employee and his representative did not consent, and the agreement was never executed.

The employer sought repayment of EUR 6 012.07, while the employee claimed the incorrectly withheld October salary of EUR 2 441.97. The court found that the training had not been mandatory, as the employee already had suitable qualifications and the course was not connected to required job skills or performance improvement. Although the study-cost agreement met formal legal requirements, the court deemed it unreasonable to enforce full repayment because the employer initiated the termination of the contract, failed to adequately warn the employee of financial risks, and the repayment obligation imposed a disproportionate financial burden relative to the employee's salary. Consequently, the employer's claims were rejected, and the employee was awarded the withheld October salary, including holiday pay.

### 3 Implications of CJEU Rulings

#### 3.1 Working time

*CJEU case C-373/24, Ramavić*

Under Dutch law, public prosecutors are not excluded from the scope of the Working Time Directive. Their working time is specifically regulated in [Article 8-8e of the Decision on the legal status of judicial officers](#) (*‘Besluit rechtspositie rechterlijke ambtenaren’*). Unlike the Working Time Directive and the general [Working Hours Act](#), the decision on the legal status of judicial officers does not apply the concept of ‘working time’ (*‘arbeidstijd’*), but rather ‘working duration’ (*‘arbeidsduur’*), defined in Article 1 as “*the average number of hours per week that a judicial officer performs his or her duties on the basis of appointment or designation (...)*”. In short, the average working duration must not exceed 36 hours per week (Article 8(a)). In 1995 and 2007, the Dutch legislator clarified that ‘working duration’ is not limited to the time judicial officers are required to be present in the workplace. Instead, it (also) encompasses the average number of hours per week during which a judicial officer performs his or her duties. From this, it can be inferred that the concept of working duration includes time spent on stand-by at home. However, it appears that in the context of stand-by time at home, only time actually spent working (i.e. after being on-call) is regarded as working time. This can be inferred from the general regulation of stand-by time in the Working Hours Act, which does not consider such time as working time (W.L. Roozendaal, [‘Het recht op ononderbroken rust in de Europese Arbeidstijdenrichtlijn’](#), *Arbeidsrechtelijke Annotaties* 2022/1, pp. 58-61), and, more specifically from the decision on the legal status of judicial officers, which does not contain any provisions for stand-by time at home beyond the entitlement to an extra allowance (Article 6(f)). Accordingly, following the *Ramavić* decision, the concept and regulation of (maximum) working duration in the decision may need to be interpreted more broadly to account for the limits imposed by the Working Time Directive stand-by time at home that qualifies as working time.

### 4 Other Relevant Information

Nothing to report.

# Norway

### Summary

There have been no developments this month.

## 1 National Legislation

Nothing to report.

## 2 Court Rulings

Nothing to report.

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

The concept of employee (*‘arbeidstaker’*) is defined in [Section 1-8\(1\)](#) of the Norwegian Working Environment Act ([LOV-2005-06-17-62](#), WEA). The definition was recently amended ([LOV-2023-03-17-3](#)) and applies, inter alia, to provisions in the WEA that implement Directive 89/391/EEC and Directive 2003/88/EC. These provisions cover employees in the state sector, including senior civil servants (*‘embetsmenn’*).

An employee is defined as ‘anyone who performs work for and is subordinate to another’. The provision further stipulates that when making this determination,

*“emphasis shall be placed on, among other things, whether the person in question makes their personal labour available on an ongoing basis, and whether the person in question is subordinate through management, leadership, and control”.*

In addition, a presumption rule applies:

*“It shall be assumed that an employment relationship exists unless the client shows it to be highly probable that an independent contractual relationship exists”.*

The preparatory works assume that this definition aligns with the concept of worker in EU law, cf. [NOU 2021: 9](#) p. 252–253. This implies that the concept of employee in Norwegian law will be interpreted in light of relevant CJEU case law, such as the present ruling, in matters concerning Directive 89/391/EEC and Directive 2003/88/EC.

Certain specific public service activities are exempt from some working time provisions under regulations pursuant to the WEA ([FOR-2005-12-16-1567](#)). Limited exceptions apply to, e.g. the armed forces and the police, but no specific exemptions exist for public prosecutors.

WEA [Section 10-1](#) defines working time as ‘the time during which the employee is at the disposal of the employer’. As noted in the October 2025 Flash Report, the concept of working time in Norwegian law is interpreted in conformity with Directive 2003/88/EC, and Norwegian courts apply the three elements established in CJEU case law when interpreting it, for example in cases concerning stand-by time or similar schemes, cf. [HR-2023-2068-A](#).

## **Flash Report 11/2025 on Labour Law**

Consequently, the present ruling will have implications for Norwegian law, affecting the interpretation of the concepts of employee under WEA Section 1-8 (1) and of working time under WEA Section 10-1.

### **4 Other Relevant Information**

Nothing to report.

# Poland

### Summary

- (I) The Law on Collective Labour Agreements has been signed by the President and is expected to take effect soon.
- (II) The Ministry for Family, Labour and Social Policy has presented a draft of the Law on Traineeships. As a next step, the draft will be subject to public consultations.

## 1 National Legislation

### 1.1 Collective labour agreements

On 28 November, the President [signed](#) the Law of 05 November 2025 on collective labour agreements and collective arrangements. The next step is the [Law's](#) publication in the Journal of Laws, and will take effect 14 days following its promulgation.

The Law implements Directive 2022/2041 on adequate minimum wages, and establishes a new legal framework for collective labour bargaining.

For further analysis, see the information on the [legislative process](#); July and August, 2025 Flash Report section 1.1 (with further reference); October, 2025 Flash Report section 1.2.

### 1.2 Law on Traineeships

On 21 November, the Ministry for Family, Labour and Social Policy presented a [draft](#) (with [substantiation](#)) of the new Law on Traineeships.

The proposed law will regulate traineeships offered on the open labour market. Traineeships should be of high quality, combining both educational components and professional training. The draft also introduces enhanced protection for trainees and their rights by eliminating unpaid apprenticeships, and reducing the risk that a traineeship will be used as a substitute for an employment relationship. At present, Polish law does not provide uniform or comprehensive regulation of traineeships. As a result, the quality and content of traineeships may depend on an employer's internal rules, creating a risk that trainees will be treated as free labour force.

The draft of the Law on Traineeships draws upon the revised Council Recommendation on improving the quality of traineeships in the EU, published by the European Commission on 20 March 2024.

It should be emphasised that the [legislative process](#) is at a very preliminary stage. As a next step, the draft submitted by the Ministry will be the subject to public consultations. It is presently not possible to predict the outcome of those consultations, or the government's decision on any further proceedings.

The assumptions underlying the draft have been extensively presented and analysed in the September 2025 Flash Report, section 1.4.

## 2 Court Rulings

Nothing to report.

### 3 Implications of CJEU Rulings

#### 3.1 Working time

*CJEU case C-373/24, Ramavić*

The present CJEU ruling concerns the stand-by time of public prosecutors. In Poland, the [Law of 28 January 2016 on public prosecutor's office](#) (*'Prawo o prokuraturze'*; compiled text: Journal of Laws 2024, item 390, with further amendments) is applicable. Pursuant to Article 99 of that Law, the working time of a public prosecutor is determined by the scope of his or her tasks.

The detailed regulation of public prosecutors' working time is contained in the [Ordinance of the Minister for Justice of 07 April 2016 on the internal rules governing the functioning of organisational units of the public prosecutor's office](#) (compiled text: Journal of Laws 2025, item 753).

According to § 50 of the Ordinance, the working time schedule of a public prosecutor is established by the competent national, regional or local public prosecutor. Under § 51, the head of given organisational unit may require a public prosecutor to remain on stand-by outside regular working hours or on public holidays. The head of the unit is responsible for ensuring the possibility of contacting the public prosecutor while he or she is on stand-by.

Thus, the statutory regulation of public prosecutor's working time is very limited, as it merely refers to the scope of public prosecutorial duties. The Law on the Public Prosecutor's office does not expressly address the right to rest. The working time schedule is to be determined by the competent public prosecutor, and the regular working time limits (i.e. eight hours per day and 40 days per week) should be observed.

At the same time, a public prosecutor may be instructed to remain on stand-by outside regular working hours, either at the workplace or at another location chosen by the public prosecutor. During such periods, the constant availability of the public prosecutor is required. In the author's view, stand-by periods at home imposes constraints that objectively and significantly affect the individual's ability to manage freely the time during which his or her professional services are not required and to use that time for personal interests.

Therefore, any stand-by time of a public prosecutor can be regarded as working time. It follows that the public prosecutor's right to rest, as required under Directive 2003/88/EC, is not protected under national law.

### 4 Other Relevant Information

Nothing to report.

# Portugal

### Summary

- (I) The Supreme Court of Justice has issued a ruling on the application of the principle of equal treatment for fixed-term workers.
- (II) The discussion of the labour legislation reform project between the government and the social partners is ongoing, and the trade unions have announced a general strike.

## 1 National Legislation

Nothing to report.

## 2 Court Rulings

### 2.1 Term employment contracts

*Ruling No. 15/2025, of 10 November, Supreme Court of Justice, Process No. 8882/20.3T8LSB.L1.S1.*

In this [ruling](#), the Supreme Court of Justice declared, in an expanded review of the trial, that "*clauses in a collective agreement providing for lower categories for the admission of fixed-term workers are null and void because they violate mandatory legal provisions*".

The Supreme Court of Justice held that such clauses, by establishing a category of admission for fixed-term workers with lower remuneration and a longer salary progression period, directly violate the principle of equal treatment between fixed-term and permanent workers.

The Court referred to CJEU case law confirming that this principle is a fundamental principle of the European Union, which must not be interpreted restrictively, and which cannot be derogated from by collective agreement. This principle is enshrined in Article 4(1) of the Framework Agreement on Fixed-term Employment Contracts, annexed to Directive 1999/70/EC, of 28 June 1999, which was transposed into Portuguese law by [Article 146 of Portuguese Labour Code](#). Under this provision, "*the worker engaged under a term contract is entitled to the same rights and subject to the same duties as a permanent worker in a comparable situation, except where objective reasons justify a different treatment*". This rule is mandatory, meaning that collective agreements cannot derogate from it.

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

In this ruling, the CJEU interpreted Articles 1(3) and 2 of Directive 2003/88/EC, concerning certain aspects of the organisation of working time, Article 2 of Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work and Article 31 of the Charter of Fundamental Rights of the EU.

The case concerned a deputy public prosecutor in Croatia who was required to perform stand-by duties both during normal working hours and outside those hours, during which he or she may be called upon to perform urgent tasks, in particular in the context

## Flash Report 11/2025 on Labour Law

of pre-trial criminal proceedings. These stand-by periods of the public prosecutor can be carried out at home (passive on-call duty) or at the public prosecutor's office (active on-call duty).

Firstly, the CJEU assessed whether the applicant (a public prosecutor) qualifies as a 'worker' and thus falls within the scope of Directive 2003/88/EC. Secondly, the CJEU examined whether the stand-by periods must be classified as 'working time' within the meaning of that Directive.

The CJEU ruled that Article 1(3) of Directive 2003/88/EC, read in conjunction with Article 31 of the Charter of Fundamental Rights of the European Union, must be interpreted as meaning that public prosecutors fall within the scope of that Directive. The CJEU clarified that, for the purposes of Directive 2003/88/EC, the concept of 'worker' has an autonomous meaning specific to EU law, and must be defined according to objective criteria that distinguish an employment relationship, focusing on the rights and obligations of the individual in relation to the work performed. As noted by the CJEU:

*"the essential feature of an employment relationship is that for a certain period of time a person performs services for and under the direction of another person in return for which he or she receives remuneration"* (paragraph 27).

In the present case, the CJEU concluded that:

*"it appears that a deputy public prosecutor of the municipal public prosecutor's office is subordinate as regards senior public prosecutors, which characterises the existence of an employment relationship"* (paragraph 34).

According to Article 1(3) of Directive 2003/88/EC, read in conjunction with Article 2 of Directive 89/391/EEC, those Directives apply to all sectors of activity, both public and private. However, Article 2(2) of Directive 89/391/EEC states that it does not apply where characteristics peculiar to specific public service activities, such as those performed by the armed forces and the police, or to specific activities within the scope of civil protection services render compliance incompatible. As noted by the CJEU:

*"the criterion (...) to exclude certain activities from the scope of Directive 89/391 and, consequently, from that of Directive 2003/88, is based not on the fact that workers belong to one of the sectors of the public service referred to in that provision, taken as a whole, but exclusively on the specific nature of certain particular tasks performed by workers in those sectors, which justify an exception to the rule on the protection of the safety and health of workers (...)"* (paragraph 40).

According to the CJEU, Article 2 of Directive 89/391/EEC, to which Article 1(3) of Directive 2003/88/EC refers, must be interpreted as precluding national legislation that excludes public prosecutors' activities from the scope of Directive 2003/88/EC, in so far as those activities, under normal circumstances, can be organised in a way that respects the working time requirements set out by Directive 2003/88/EC.

The CJEU considered whether Article 2 of Directive 2003/88/EC requires that periods of stand-by time carried out outside of normal working hours by public prosecutors, requiring the mandatory presence of those prosecutors at the workplace, or a period of time on stand-by in line with a stand-by system requiring their mandatory presence at home, must be classified as 'working time'.

Regarding this question, the CJEU recalled that

*"the decisive factor for finding that the elements that characterize the concept of "working time" for the purposes of Directive 2003/88/EC are present is the fact that the worker is required to be physically present at the place determined by the employer and to remain available to the employer in order to be able, if necessary, to provide the appropriate services immediately"* (paragraph 57).

## Flash Report 11/2025 on Labour Law

Considering the above, the CJEU held that a period of stand-by time during which a worker is required to remain at the workplace and be available to the employer, constitutes 'working time' within the meaning of Directive 2003/88/EC, irrespective of the professional activity actually carried out by the worker during that period (paragraph 58). However, the CJEU also clarified that a period of stand-by time according to a stand-by system must be classified as 'working time' within the meaning of Directive 2003/88/EC, even if the worker is not required to remain at his/her workplace, where the constraints imposed on the worker significantly affect the possibility of the latter to pursue his/her own personal interests (paragraphs 59 and 60).

Consequently, the CJEU ruled that:

*"Article 2 of Directive 2003/88 must be interpreted as meaning that a period of time on stand-by carried out outside of normal working time by public prosecutors, which requires the mandatory presence of those prosecutors at the workplace, or a period of time on stand-by according to a stand-by system which requires the prosecutor to be present at his or her home, must be classified as "working time", within the meaning of Article 2, in so far as, during those periods of time on stand-by, the constraints imposed on those public prosecutors are such that they objectively and very significantly affect the ability, for those public prosecutors, freely to manage, during those periods, the time during which their professional services are not required and to use that time to pursue their own interests".*

The CJEU's conclusions contained in this ruling are relevant to the interpretation of Portuguese law.

Firstly, this case law provides important guidelines for classifying public prosecutors as 'workers' for the purposes of applying the national working time rules, which transpose Directive 2003/88/EC into Portuguese law.

Secondly, the CJEU reaffirms the understanding that stand-by time should be considered 'working time', even if workers are not required to be at the workplace, provided the constraints significantly affect their ability to pursue their personal and social interests. This case law is extremely helpful for the interpretation of the national rules concerning the definition of 'working time' and 'rest period'.

Under Portuguese law, the concepts of working time and rest periods ([Articles 197 and 199 of Portuguese Labour Code](#), hereinafter "PLC") are mutually exclusive.

As stipulated in [Article 197\(1\) of PLC](#), 'working time' is any period during which the employee carries out the activity or remains available to perform the activity, as well as the interruptions and breaks provided for in paragraph 2 of Article 197. Every period not considered working time falls into the concept of "rest period".

Based on this legal framework and following the CJEU's case law, Portuguese labour courts have consistently ruled that stand-by time shall be classified either as working time or rest period, depending primarily on whether the employee is requested to remain at his/her workplace during that period or whether he or she can remain at home (or another place determined by the latter). In this context, the CJEU's case law should be taken into consideration by the Portuguese labour courts in interpreting Article 197 of the PLC in accordance with Article 2 of Directive 2003/88/EC.

## 4 Other Relevant Information

### 4.1 Draft of labour legislation reform

On 24 July 2025, the government approved a [draft of the labour legislation reform](#). This proposal includes several amendments to the Labour Code and has sparked considerable debate, particularly among the social partners.

## **Flash Report 11/2025 on Labour Law**

The government has held several meetings with the social partners to negotiate the reform, but an agreement with employers' associations and trade unions has not yet been reached. The trade unions (namely UGT and CGTP) have been highly critical of the reform project and have called for a general strike on 11 December 2025 to protest against it.

Negotiations in the context of social dialogue are expected to continue in the coming months.

# Romania

### Summary

- (I) Reinstatement is not automatic; it requires the employer to notify the employee of the contract reactivation and specify the date of return.

## 1 National Legislation

Nothing to report.

## 2 Court Rulings

### 2.1 Null dismissal – reactivation of the employment contract

Under Romanian labour law, an employee whose dismissal is deemed unlawful has the right to request reinstatement to their former position, in addition to receiving compensation. This right to reinstatement applies whenever a dismissal is annulled, whether the annulment is based on procedural or substantive grounds. When the court annuls a dismissal and the employee requests reinstatement, the court orders the parties to be restored to the situation that existed before the dismissal, including reinstatement in the same job.

In this context, the High Court was asked to clarify a practical point: when a first-instance court orders reinstatement and that judgment is provisionally enforceable, does the employment relationship resume 'automatically' by virtue of the judgment, or must the employer take concrete action to execute the reinstatement and formally notify the employee? Additionally, from what moment is the employee considered effectively reinstated, such that their obligations (in particular, the duty to attend work) are reactivated?

The High Court clarifies that a first-instance judgment ordering reinstatement in an employment dispute constitutes an enforceable title with provisional effect. The judgment can be implemented in two ways: voluntarily, at the initiative of the employer (as the debtor of the reinstatement obligation), or through provisional enforcement proceedings initiated by the employee (as the creditor). However, the judgment's mere pronouncement does not automatically reactivate the employment contract. Reinstatement becomes effective only upon execution of the judgment, whether voluntary or by way of enforcement. Until such execution takes place, the employee is not bound by any contractual obligations associated with the employment relationship, including the duty to attend work; nor is the employee under any legal duty to initiate enforcement of the provisional judgment.

The decision then addresses the scenario in which the employer opts to execute the reinstatement judgment voluntarily. In this context, the High Court holds that the employer has a positive duty to inform the employee of the decision to reactivate the employment contract and to specify the date on which the employee is required to resume work. Romanian labour law is grounded in principles of good faith and mutual communication ensuring between employer and employee, ensuring that the employee is aware of when the contract takes effect. Accordingly, the employer cannot adopt a 'passive' stance (refraining from obstructing the employee's return), but must actively notify the employee of its compliance with the judgment and the precise date for reporting to work.

The High Court further clarified that Romanian legislation does not require a specific formal instrument, such as a dedicated 'reinstatement decision' issued by the employer;

## Flash Report 11/2025 on Labour Law

it is sufficient that the employer's intention and the effective date of resumption of work are communicated to the employee in a manner capable of reaching them.

Therefore, the High Court holds, with binding effect, that voluntary execution by the employer of a first-instance judgment ordering reinstatement to the previous position requires that the employee be informed both of the reactivation of the employment contract and of the date on which the employment relationship is effectively resumed (*Decision No. 362 of 20 October 2025 of the High Court of Cassation and Justice, Panel for the Clarification of Points of Law, published in the Official Gazette No. 1102 of 28 November 2025*).

### 3 Implications of CJEU Rulings

#### 3.1 Working time

*CJEU case C-373/24, Ramavić*

Employment relations of public prosecutors are governed by [Law No. 303/2022](#) on the status of judges and prosecutors, published in the Official Gazette No. 1102 of 16 November 2022. According to the [case law](#) of the High Court of Cassation and Justice, magistrates perform their duties under a sui generis employment relationship. This, however, does not exclude the application of the Labour Code provisions on working time. Articles 111 et seq. of the Labour Code, which define working time and transpose into Directive 2003/88/EC into Romanian law, therefore apply to prosecutors, as no provision exempts them from the general working time regime.

Beyond this, the regulations governing working time for magistrates remain imprecise. Although the example below concerns judges, it is relevant because both judges and prosecutors are magistrates and subject to the same structural ambiguities in defining and recording working time. By way of illustration, Article 5(2) of the Rules of Internal Order of the Courts, adopted by [Decision No. 3.243/2022](#) of the Superior Council of the Judiciary, provides that:

*"The working hours of judges shall generally begin at 08.00 and end at 16.00. They are, however, required to be present at the times established for performing the activities for which they are scheduled or have set themselves, or which require their presence under legal or regulatory provisions, for hearings to which they have been assigned, as well as for activities established by the president of the court in accordance with the law."*

The absence of a concrete mechanism for recording weekly working time recently led the High Court of Cassation and Justice, in [Decision No. 78/2024](#), to hold that the activities performed by judges in the context of an incomplete staffing scheme cannot be classified as overtime work. While this case law specifically concerns judges rather than prosecutors or stand-by duties, it highlights the broader systemic challenges in determining working time for magistrates under Romanian law. As such, it provides important context for assessing how the concept of working time, within the meaning of Directive 2003/88/EC, applies to public prosecutors as well.

With regard to the legal classification of stand-by periods, Romanian courts have consistently applied factual criteria to determine whether a worker is subject to objective restrictions on the organisation of personal time. For example, [Decision No. 2671/2019](#) of the Bucharest Court of Appeal held that where there are no actual interventions, no obligation to remain in a fixed location, no short mandatory response times and no sanctions for failing to intervene, the stand-by period cannot be considered working time.

These criteria have also been applied in cases concerning prosecutors. In Civil Judgment [No. 867/2020](#) of the 'Vâlcea Tribunal', the court found that prosecutors were not required to remain in a particular location, that no short intervention times existed, and

## Flash Report 11/2025 on Labour Law

that no constraints were imposed that prevented them from organising their personal time. The court emphasised the flexible nature of prosecutors' working arrangements, as established by the rules of the Superior Council of the Judiciary, and concluded that mere inclusion in a stand-by period does not, by itself, render that period working time.

Likewise, the Oradea Court of Appeal held that a prosecutor's stand-by service, as regulated by law and by the general obligations inherent to the role, did not, in the present case, significantly restrict the prosecutor's ability to organise rest time. Consequently, the period concerned could not be considered 'working time' within the meaning of Article 2 of Directive 2003/88/EC. The court noted that the CJEU's conclusions in *case C-518/15, Ville de Nivelles v. Rudy Matzak*, were not directly applicable, as the circumstances of the claimants differed from those in *Matzak* (*Oradea Court of Appeal, First Civil Division, Civil Decision No. 1081 of 19 October 2021, portal.just.ro*).

While Romanian law explicitly subjects prosecutors to the rules governing working time, courts have traditionally approached the classification of stand-by periods cautiously, relying on restrictive factual criteria to exclude such periods from being considered working time. The CJEU clarifications regarding the inclusion of public prosecutors within the scope of Directive 2003/88/EC, and the relevance of objective constraints imposed during stand-by periods, are likely to temper that cautious approach. Nevertheless, Romanian courts are expected to continue applying their established factual criteria when assessing such constraints, while the CJEU judgment primarily serving as an additional authoritative basis confirming the Directive's applicability to public prosecutors.

### 4 Other Relevant Information

Nothing to report.

# Slovakia

### Summary

- (I) In November 2025, Slovakia did not adopt any new labour law legislation, but a substantial package of education reforms was published in the Collection of Laws, introducing several amendments to the career framework, workload parameters and employment conditions applicable to teachers and university staff.

## 1 National Legislation

In October 2025, Parliament adopted a comprehensive package of education reforms, which was published in the Collection of Laws in November 2025 and will enter into force from 01 January 2026 onwards.

The reforms amend the Act on Pedagogical and Professional Staff, the School Act, and the Act on Vocational Education and Training, and introduce a new Act on School Governance and a new Higher Education Act. From a labour law perspective, the measures revise the career structure, qualification requirements and professional examinations for teachers (including a new 'candidate' pedagogical staff category and shorter waiting periods for first and second interviews), modify the rules on supplementary teaching loads and compensatory time off, and expand the possibilities to perform work outside the school premises. In higher education, the new Act introduces two additional functional posts for university teachers (professional lecturer and vocational lecturer), reinforces practical training and support services for both staff and students, and aims to increase the attractiveness and stability of academic careers by allowing long-term employment contracts after nine years in a functional post (up to the age of 70) and introduces a six-month sabbatical every seven years.

## 2 Court Rulings

Nothing to report.

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

The general regulation of working time and rest periods in Slovakia is set out in the Labour Code (Act No. 311/2001 Coll.). It defines working time and rest periods, establishes a standard weekly working time of 40 hours (with shorter limits for certain categories of employees), regulates the maximum length of the working day, and sets detailed rules for daily and weekly rest, and contains a special regime for on-call work (on-call duty). On-call work at the workplace is considered working time (including inactive periods at the workplace), while the actual performance of work during on-call duty is treated as overtime. The Labour Code imposes limits on the extent of on-call duty per week and minimum daily and weekly rest periods in line with Directive 2003/88/EC.

Public prosecutors and legal trainees of the prosecutor's office are not subject to the Labour Code with respect to working time, but fall under a special service regulation, namely Act No. 154/2001 Coll. on prosecutors and legal trainees of the prosecutor's office. This Act defines in particular:

## Flash Report 11/2025 on Labour Law

- the weekly working time, defined as the performance of duties over five working days a week, up to a maximum of 40 hours;
- the working day and daily working time, up to a maximum of eight hours per day, with an entitlement to a rest and meal break after four hours of work;
- the rules governing flexible working time;
- days of official rest and continuous weekly rest, and
- minimum daily rest of 11 hours and minimum weekly rest of 36 hours, of which 24 hours should generally fall on a Sunday.

Overtime work for prosecutors is defined as the performance of duties exceeding the established weekly working hours and outside the established daily working time schedule. The law provides that overtime, combined with the established weekly working hours, must not exceed 48 hours per week; however, this limit does not apply when the prosecutor is performing on-call duty.

On-call duty is defined as the prosecutor's readiness to immediately perform prosecutorial functions beyond the established weekly working hours and outside the daily working time schedule. On-call duty may be ordered either at the premises of the prosecutor's office, at the prosecutor's permanent residence, or at another agreed location. Periods of on-call duty are legally recognised as performance of official duties; section 102 of the Act provides differentiated remuneration for on-call duty performed at the workplace versus at home (or another agreed place). If, during on-call duty, the prosecutor was performed, the time spent performing those functions is classified as overtime.

Section 259 of Act No. 154/2001 Coll. expressly stipulates that the Labour Code applies to legal relations regulated by this Act only in a subsidiary basis, i.e. only where this Act or another special act does not provide otherwise. Because the rules governing working hours, overtime, on-call duty, and rest periods of prosecutors are primarily set out in this Act, the Labour Code does not apply directly to these matters. However, the EU labour law acquis (Directive 2003/88/EC and Directive 89/391/EEC) applies to prosecutors in so far as they qualify as 'workers' within the meaning of EU law.

To date, no decisions of the Supreme Court of the Slovak Republic or the Constitutional Court of the Slovak Republic have been identified that directly address the application of Directive 2003/88/EC or the case law of the Court of Justice of the EU concerning working time/ on-call duties, either in respect of ordinary employees or public prosecutors. National case law in this area remains limited overall and no decisions have been recorded that explicitly interpret the provisions on on-call time and weekly working time of prosecutors in Act No. 154/2001 Coll. in light of the EU labour law acquis.

Slovak courts have, however, addressed disputes brought by firefighters seeking additional financial compensation for on-call duty, with the first decisions issued in 2023. The main problem was that the Act on the Fire and Rescue Service did not classify on-call duty performed at the place of service as working time, creating a conflict with the EU rules on the organisation of working time. Following judicial decisions and pressure from trade unions, the legislature adopted an amendment to the Act on the Fire and Rescue Service, which resolved this inconsistency.

The classification that public prosecutors fall within the personal scope of Directive 2003/88/EC confirms that Slovak prosecutors cannot be excluded from the working time guarantees under EU law solely because they are subject to a special employment relationship. Framework Directive 89/391/EEC and the minimum standards set out in Directive 2003/88/EC must be observed when organising their working time. Where Slovak prosecutors are on-call at their workplace, the *Ramavić* judgment confirms that such periods must be considered in their entirety as 'working time' for maximum weekly working time and minimum daily and weekly rest periods, regardless of national classification. For on-call duty performed at the place of residence or another agreed

## Flash Report 11/2025 on Labour Law

location, national authorities and courts will be required to assess, on the basis of objective constraints (response time, distance, frequency of interventions, etc.), whether the stand-by period constitutes working time.

Since Act No. 154/2001 Coll. excludes on-call duty from the 48-hour weekly limit applicable to the sum of the established working time and overtime, the total period during which a prosecutor is at the employer's disposal may, in practice, exceed the average 48-hour weekly limit required by Directive 2003/88/EC once on-call duty is taken into consideration. In light of the *Ramavić* judgment, this legislative arrangement becomes problematic in circumstances where on-call duty must be treated as full working time under EU law.

### 4 Other Relevant Information

A group of arbitrators for collective labour disputes sent a letter to the Minister of Labour requesting urgent amendments to the Collective Bargaining Act and the Labour Code to address their deteriorating professional status and social security position of arbitrators, warning that the mass resignation they are considering as of 31 December 2025 could effectively paralyse the collective dispute resolution system.

# Slovenia

### Summary

- (I) The Act on the Right to the Winter Bonus has been adopted.
- (II) The government has adopted the text of the Draft Act, which includes measures to prevent absenteeism.
- (III) The Supreme Court ruled that workers supplied unlawfully must still receive full protection and pay.

## 1 National Legislation

### 1.1 The Act on Winter Bonus

On 11 November, the National Assembly adopted the [Act on the Right to the Winter Bonus and the Reform of Determining the Tax Base by Taking into Account Lump-Sum Expenses](#), Official Gazette of the Republic of Slovenia, No. 91/25). The Act entered into force on 20 November 2025. It establishes a new labour law right, namely the right of workers to a winter bonus. The winter bonus is fixed at one half of the minimum wage of the Republic of Slovenia, which for 2025 amounts to EUR 638.86. It must be paid in monetary form. Employers are required to pay the winter bonus no later than 18 days after the end of the pay period for the salary for November of the current year.

### 1.2 The Draft Act on Additional Intervention Measures in the Healthcare Sector

At the end of November, the government adopted the text of the Draft Act on Additional Intervention Measures in the Healthcare Sector. The Act, inter alia, sets out rules governing the permitted movements during periods of sick leave, which must be communicated to both the insured person and the employer, and introduces the possibility of withdrawing sickness benefits in cases of abuse of sick leave. The Act still needs to be adopted by the National Assembly.

## 2 Court Rulings

### 2.1 Temporary agency work

At the beginning of November, the Supreme Court of the Republic of Slovenia adopted decision No. VIII Ips 24/2025 (ECLI:SI:VSRS:2025:VIII.IPS.24.2025). The Supreme Court held that even when a legal entity provides workers to a user undertaking outside the statutory framework (and where the conduct of the entity receiving the assigned workers is consequently also unlawful), the assigned workers must, with regard to the right to remuneration, be treated in the same manner as workers supplied by an entity operating lawfully, including the possibility of establishing the subsidiary liability of the actual user for any underpaid wages. Any contrary interpretation would undermine the purpose of the statutory conditions and restrictions governing the provision of workers (agency work), which exist to protect assigned workers and prevent potential abuse, and not the contrary (i.e. that a worker, due to the non-fulfilment of formal requirements relating to temporary agency work, is left without protection or without payment of any outstanding remuneration).

### 3 Implications of CJEU Rulings

#### 3.1 Working time

*CJEU case C-373/24, Ramavić*

This judgment is relevant to the interpretation of the working time of public (state) prosecutors in Slovenia, particularly given the similarities between the Slovenian legal framework and the provisions examined in the case.

The concept of working time is defined in Article 142 of the Employment Relationships Act (*'Zakon o delovnih razmerjih'*, ZDR-1, Official Gazette of the Republic of Slovenia, No. 21/13 et subseq.). Under this provision, working time consists of effective working time, break periods, and periods of justified absence from work in accordance with the law, collective agreement, or general act. Effective working time encompasses any period during which a worker performs work, meaning that he or she is available to the employer and performs the work obligations arising from the employment contract.

In addition, under the Act on the State Prosecutor's Office (*'Zakon o državnem tožilstvu'* (ZDT-1)), state prosecutors perform their duties during regular office hours, on call, and on stand-by. In exceptional cases, a prosecutor may provide written consent to exceed the statutory limits on daily and weekly rest periods. To ensure cooperation with the police and other competent state authorities in pre-trial proceedings—such as mutual information sharing, directing investigations, participation in urgent procedural acts, and other necessary pre-trial or criminal procedures—an on-call system is organised outside regular office hours. The on-call system is implemented through stand-by and duty shifts. Stand-by requires the prosecutor to remain reachable by phone or other means of communication for the performance of tasks or to be available to report to the workplace or another location where urgent procedural acts must be performed. Standby hours are not counted as working time. Duty shifts, by contrast, involve the prosecutor performing tasks at the workplace or another designated location, and duty hours are counted as working time.

In this respect, the relevant judgment should be considered when interpreting the provisions on working time of public (state) prosecutors in Slovenia, including the provisions of ZDT-1. The judgment clearly establishes that the provisions of Directive 2003/88/EC also apply to state prosecutors and that despite their specific positions,

*"a period of time on stand-by carried out outside of normal working time by public prosecutors, which requires the mandatory presence of those prosecutors at the workplace, or a period of time on stand-by according to a stand-by system, which requires the public prosecutor to be present at his or her home, must be classified as 'working time', within the meaning of Article 2, in so far as, during those periods of time on stand-by, the constraints imposed on those public prosecutors are such that they objectively and very significantly affect the ability, for those public prosecutors, freely to manage, during those periods, the time during which their professional services are not required and to use that time to pursue their own interests."*

This judgment will therefore need to be considered when scheduling the stand-by duties of public prosecutors, and courts will be required to consider it when interpreting the relevant provisions.

### 4 Other Relevant Information

#### 4.1 Reduced working hours for employees approaching retirement

The Ministry of Labour has published [detailed information](#) and a [list of frequently asked questions](#) concerning the implementation of Measure 80/90/100, which introduces a new option for agreeing on reduced working hours for employees approaching retirement. The measure will come into effect on 01 January 2026.

### 4.2 Winter bonus

The Ministry of Labour has published [detailed information](#) and a list of frequently asked [questions](#) concerning the new right to a winter bonus.

### 4.3 The Human Rights Ombudsman's report for 2024

At the end of November, the National Assembly reviewed [the Human Rights Ombudsman's report for 2024](#). In the area of labour law, the Ombudsman dealt primarily with the same types of initiatives as in previous years, most of which concerned complaints made by employees against their own employers. These included allegations of mobbing, inadequate working conditions, insufficient protection of employees in situations involving violent behaviour, and a lack of care for employees and, more generally, the overall work environment. The Ombudsman pointed out, among others, that he remains dissatisfied with the lengthy inspection procedures by the Inspectorate of the Republic of Slovenia for Labour and Social Affairs (IRSD), noting that related initiatives continue to be submitted. The Ombudsman has been drawing attention to the need for adequate staffing at the IRSD for years.

# Spain

### Summary

- (I) A Supreme Court ruling that applies the CJEU's case law on stand-by time and on-call work has been issued.

## 1 National Legislation

As reported in previous months, the government currently does not have sufficient parliamentary support, hence no new legislation is expected in the near future.

## 2 Court Rulings

### 2.1 Working Time

The transposition of the Working Time Directive (WTD) in Spain is primarily implemented in Articles 34 et seq. of the [Labour Code](#), with additional sector-specific rules set out in [Royal Decree 1561/1995](#). Article 8 of this Royal Decree contains specific provisions on the working time of transport workers and seafarers. It distinguishes between working time and stand-by time. Working time means that the worker is effectively performing tasks. Stand-by time occurs outside of regular working time, i.e. the worker is not effectively performing tasks but must remain available to work. Stand-by time is not considered working time.

In the present case, a collective agreement for railway workers set a maximum of 35 hours per month for stand-by duties (including on-call services, periods of breakdown, or even mealtimes during trips). It also included a reserved day, requiring the workers to remain at the workplace to cover any absences in the crew on that day.

The [Supreme Court](#) referred to the WTD and relevant CJEU case law (case C-151/02, *Landeshauptstadt Kiel v Norbert Jaeger*; case C-518/15, *Ville de Nivelles v Rudy Matzak*; and case C-14/04, *Abdelkader Dellas and Others v Premier ministre and Ministre des Affaires sociales, du Travail et de la Solidarité*) and concluded that, in this particular situation, both stand-by duties and the reserved day qualified as working time.

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

In Spain, public prosecutors are civil servants and access to the profession requires passing a competitive examination. This examination is the same for judges and public prosecutors, and successful candidates can choose between the two career paths.

As civil servants, prosecutors are subject to certain rules on working time, including certain provisions *specific* to the judicial administration. However, these rules were designed primarily for administrative staff responsible for processing files and managing case documentation, and have never really applied to judges or public prosecutors. For example, judges set their own schedules and decide when and where they work, except for scheduled hearings. They do not, in practice, follow the same working time or working condition rules applicable to other civil servants, and no system for recording working time has been introduced for them, nor for public prosecutors.

As a result, the way judges and public prosecutors perform their duties is not designed to comply with the Working Time Directive. Stand-by time is not specifically regulated;

## Flash Report 11/2025 on Labour Law

the only applicable provision (from 2003) concerns *financial compensation*. Stand-by and on-call duties are remunerated through a fixed allowance based on the size of the territorial jurisdiction, rather than on the time actually spent on work. This time is not treated as working time.

Despite this, a change in the near future is highly unlikely. Applying the working time rules of labour law, including the WTD, to civil servants has proven difficult, as they are subject to their own regulatory framework. Although CJEU case law has altered this landscape—revealing an infringement of EU law—resistance persists, and some groups of civil servants, such as public prosecutors and judges, remain outside its scope and are not demanding its application. Both public prosecutors and judges enjoy functional autonomy and set their own working time arrangements through their respective governing bodies (the Public Prosecution Service and the General Council of the Judiciary). Consequently, they are not covered by the general working time regulations for civil servants approved by Parliament and the government.

### 4 Other Relevant Information

Nothing to report.

# Sweden

### Summary

- (I) The Labour Court has held that a sale of shares in a company does not trigger the duty to negotiate under the Co-Determination Act.
- (II) The CJEU's judgment in the Minimum Wage Directive case has been positively received in Sweden.

## 1 National Legislation

Nothing to report.

## 2 Court Rulings

### 2.1 Information and consultation

*Labour Court AD 2025 No. 88*

A trade union claimed that the employer had breached its duty to negotiate pursuant to [Section 11 of the Co-Determination Act \(lag \[1976:580\] 'om medbestämmande i arbetslivet'](#) by failing to initiate negotiations in connection with the sale of the company's shares by its parent company. Under Section 11 of the Co-Determination Act, the duty to negotiate is triggered before an employer undertakes "significant changes" to its operations. In its judgment, the Labour Court noted that section 11 gives effect to Sweden's obligations under EU law concerning negotiation and consultation, including those arising from [Directive 98/59 on collective redundancies](#), [Directive 2001/23 on the transfer of undertakings](#) and [Directive 2002/14 establishing a general framework for informing and consulting employees](#). In its judgment, the Labour Court held that the sale of shares did not constitute a "significant change" triggering the duty to negotiate, under section 11, as the employer (the subsidiary company) had not participated in the parent company's decision to sell the shares.

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

The *Ramavić* judgment reaffirms the established principle of EU law that stand-by time spent at the workplace must always be classified as working time (see, e.g., *Landeshauptstadt Kiel v Norbert Jaeger*, 2003, [C-151/02](#), [EU:C:2003:437](#)). By contrast, stand-by time performed elsewhere requires a more nuanced assessment. According to *Ramavić*, the decisive criterion is whether the employee can effectively pursue his or her own personal interests during the stand-by period.

*Ramavić* is fully consistent with the landmark ruling in *D. J. v Radiotelevizija Slovenija*, 2021, [C-344/19](#), [EU:C:2021:182](#) (as well as with *XR v Dopravní podnik hl. m. Prahy*, 2021, [C-107/19](#), [EU:C:2021:722](#), which is repeatedly cited by the Court in the present judgment). Substantively, the judgment does not introduce any new elements on the classification of stand-by time as working time.

However, it is uncertain whether this definition is fully reflected in Swedish labour market practice. Notably, the Swedish collective agreement [AB 25](#), applicable to most public sector employees, does not expressly define stand-by time. It therefore remains unclear to what extent the EU law definition is applied in practice to stand-by duties performed in Sweden.

## Flash Report 11/2025 on Labour Law

### 3.2 Reception of the minimum wage directive judgment

On 11 November, the CJEU delivered its judgment in *Minimum Wage Directive case (Denmark v. the Commission, 2025, C-19/23, ECLI:EU:C:2025:11)*. Although Sweden, supporting Denmark, clearly lost on the substantive legal issue of EU competence, the judgment has nevertheless been positively received by the Swedish social partners (see e.g. [here](#)) and by the Minister for Labour Law (see [here](#)). The outcome can be seen as a success for the CJEU in 'doing justice between the parties'.

## 4 Other Relevant Information

Nothing to report.

# United Kingdom

## Summary

- (I) Travel to work time is not 'time work'.
- (II) *For Women Scotland*: amendment to interim guidance.
- (III) ERB has completed the committee stage and implementation roadmap.

## 1 National Legislation

Nothing to report.

## 2 Court Rulings

Nothing to report.

## 3 Implications of CJEU Rulings

### 3.1 Working time

*CJEU case C-373/24, Ramavić*

The *CJEU case C-373/24, Ramavić* concerned working time for prosecutors. In the UK, the Crown Prosecution service also operates a 24/7 service. [They say](#):

*"The Crown Prosecution Service (CPS) operates 24/7, providing support through CPS Direct, which consists of over 270 staff available at all times to handle cases referred by the police. CPS Direct operates on a rotating shift pattern, with some staff working from home and others on shifts that include nights, weekends, and bank holidays. Additionally, some case workers may work 37 hours a week, Monday to Friday, with flexible hours available."*

A [recent job advert](#) explains how the out-of-hours system works:

"As a senior crown prosecutor for CPS Direct, you're home-based within England or Wales. You occasionally travel for in-person meetings, with costs met in line with our travel and subsistence policy. You work a range of out-of-hours shifts, averaging 37 hours a week (full time). Our rota operates five pm-11am on weekdays covering 24 hours on weekends and bank holidays. Shift details are always shared at least one calendar month in advance.

In this role, you provide the police with pre-charge decisions and case management advice. You make charging decisions in accordance with the Full Code Test other than where the Threshold Test applies. You are responsible for keeping up to date with developments in criminal law and practice.

We hold regular reviews to ensure you're appropriately supported with your out-of-hours work. And you receive premium payments for working out-of-hours."

This indicates that the UK recognises that the Working Time Regulations apply to prosecutors, but the working time requirements are 37 hours a week in total.

## 4 Other Relevant Information

### 4.1 The Employment Rights Bill (ERB)

The bill is currently struggling to get through Parliament. It was due to get Royal Assent in November, but this has not happened due to significant objections to parts of the Bill

## Flash Report 11/2025 on Labour Law

by the House of Lords. It is now subject to a process of *ping-pong* between the Lords and the Commons. To break the deadlock, the trade unions and employers agreed that there would be an (re)introduction of a six-month qualifying period for unfair dismissal claims. While many welcomed this as a sensible compromise, it was a breach of a manifesto commitment, and parts of the trade union movement were concerned. A cryptic press release was issued: [An update on the Employment Rights Bill - GOV.UK](#). The key paragraph asserts:

*"The discussions concluded that reducing the qualifying period for unfair dismissal from 24 months to 6 months (whilst maintaining existing day one protection against discrimination and automatically unfair grounds for dismissal) is a workable package. It will benefit millions of working people who will gain new rights and offer business and employers much needed clarity. To further strengthen these protections, the Government has committed to ensure that the unfair dismissal qualifying period can only be varied by primary legislation and that the compensation cap will be lifted."*

The last part set hares running because of its ambiguity. However, it is now clear that the government is proposing to lift the cap altogether. The key provision is this (**emphasis added**):

*"Right not to be unfairly dismissed: qualifying period and compensatory awards*  
*(1) Part 10 of the Employment Rights Act 1996 (unfair dismissal) is amended in accordance with subsections (2) and (3).*  
*(2) In section 108 (qualifying period of employment)—*  
*(a) in subsection (1), for "two years" substitute "six months";*  
*(b) in subsection (2), for ""two years"" substitute ""six months"".*  
*(3) Omit section 124 (limit of compensatory award etc).*  
*(4) In section 209 of that Act (powers to amend Act), in subsection (5), omit '108(1),'.*  
*(5) Schedule (Minor and consequential amendments relating to section (Right not to be unfairly dismissed: qualifying period and compensatory awards)) contains minor and consequential amendments relating to this section."*

It is not clear that the House of Lords will accept this fundamental change to the position on lifting the cap on compensation. It was not in the manifesto, nor has there been proper discussions about it. While ultimately the House of Commons (with a large labour majority) will prevail, all of this will delay passing the bill.

The government has also launched 26 consultations on the bill.

This [document](#) is helpful on key dates:

### Implementation date

### Measure

- |            |   |
|------------|---|
| April 2026 | <ul style="list-style-type: none"><li>• Reforms to statutory sick pay, including removal of the lower earnings limit</li><li>• 'Day 1' paternity leave and unpaid parental leave</li><li>• Simplification of the trade union recognition process</li><li>• Fair Work Agency established</li></ul> |
|------------|---|

## Flash Report 11/2025 on Labour Law

- 'Fire and rehire' becomes automatically unfair
  - Extension of the tribunal claim limitation period from three months to six months
  - Trade union members' right of access extended
  - Duty on employers to take "all" reasonable steps to prevent workplace sexual harassment, including sexual harassment by third parties
- October 2026
- Protection from unfair dismissal after a period of employment of six months
- (Possibly) 2026
- One week of unpaid bereavement leave from 'Day one'
  - Right of zero, low-hours and agency workers to receive guaranteed hours
  - Gender pay gap and menopause reporting requirements
  - Refusal of flexible working request must be 'reasonable'
  - Introduction of a comprehensive industrial relations framework
- 2027

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