

Case 152/84 M. H. Marshall v Southampton and South-West Hampshire Area Health Authority (Teaching) (No.1) [1986]

Facts: The applicant was dismissed by the health authority on the ground that she had passed the age of 60, and the relevant policy mandated that female employees retire at 60 and male employees at 65. Under national law there was no prohibition of discrimination on grounds of sex in retirement matters. The applicant therefore contended that her dismissal violated the 1976 Equal Treatment Directive.

Held: The applicant could rely on the Directive because the relevant authority was an organ of the state. A policy of dismissal solely because on grounds of attaining the qualifying age for a state pension, different for men and women, constituted discrimination on grounds of sex. Nevertheless, it was stressed that the binding nature of a directive exists only in relation to each Member State to which it is addressed. As such a directive may not of itself impose obligations on an individual, and a provision of a directive may not be relied upon against such a person.