

ECJ 11 November 2021, case C-214/20 (Dublin City Council), Working Time

MG – v – Dublin City Council, Irish case

Summary

Whether stand-by time in a permanent stand-by system qualifies as ‘working time’ must be determined by an overall assessment of all the facts, with a focus on the constraints imposed on the worker. The ECJ’s summary of the case is available on: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2021-11/cp210201en.pdf>.

Question

Must Article 2(1) of Directive 2003/88 be interpreted as meaning that a period of stand-by time according to a stand-by system served by a retained firefighter, during which that worker, with the permission of his or her employer, carries out a professional activity on his or her own account but must, in the event of an emergency call, reach his or her assigned fire station within 10 minutes, constitutes ‘working time’ within the meaning of that provision?

Ruling

Article 2(1) of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time must be interpreted as meaning that a period of stand-by time according to a stand-by system served by a retained firefighter, during which that worker, with the permission of his or her employer, carries out a professional activity on his or her own account but must, in the event of an emergency call, reach his or her assigned fire station within 10 minutes, does not constitute ‘working time’ within the meaning of that provision if it follows from an overall assessment of all the facts of the

case, in particular from the scope and terms of that ability to carry out another professional activity and from the absence of obligation to participate in the entirety of the interventions effected from that fire station, that the constraints imposed on the said worker during that period are not of such a nature as to constrain objectively and very significantly the ability that he or she has freely to manage, during the said period, the time during which his or her services as a retained firefighter are not required.

ECJ 11 November 2021, case C-948/19 (Manpower Lit), Temporary Agency Work

UAB “Manpower Lit” – v – ES, ML, MP, VV, RV and EIGE (as joining party), Lithuanian case

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Summary

Directive 2008/104 also applies if employees are assigned to the European Institute for Equality between Men and Women (EIGE), an EU institution. Unfortunately, no English translation of the case is available yet. Other language versions can be found on: <https://curia.europa.eu/juris/documents.jsf?oqp=&for=&mat=or&lgrec=en&jge=&td=%3BALL&jur=C%2C%2CF&num=948%25F19&page=1&dates=&pcs=Oor&lg=&pro=&nat=or&cit=none%252CC%252CCJ%252CR%252C2008E%252C%252C%252C%252C%252C%252C%252C%252C%252C%252C%252Ctrue%252Cfalse%252Cfalse&language=en&avg=&cid=40577961>.