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GRIST

EU court clarifies standby time under working time directive

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The European Court of Justice has clarified which periods of standby time should be classified as working time under European Union (EU) law. The court ruled that standby time does not count as working time unless the employer imposes significant constraints on the worker to freely manage this time.

The ruling concerned a retained firefighter who worked as a taxi driver and was also employed on a part-time basis by the Dublin City Council in Ireland. The council allowed retained firefighters to do other professional work not exceeding 48 hours per week, on average. Retained firefighters were required to participate in 75% of the brigade's interventions, and were required to reach the station within 10 minutes. The firefighter argued that because he was required to respond rapidly to emergency calls, he should be entitled to the maximum weekly and daily working time and to rest periods under the EU directive on working time. The court ruled that because the firefighter was allowed to work elsewhere, and his location was not restricted during periods of standby time, the council's standby system did "not place that worker under major constraints."

The court said that the worker's choices — for example, their home or work location — should not be considered for purposes of determining the applicability of the working time directive.

Related resources

- [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](#) (EurLex, 18 Nov 2003)

- [Judgment](#) (Court of Justice of the European Union, 11 Nov 2021)