

SUMMARY

ECJ 20 November 2018, C-147/17 (Sindicatul Familia Constanța and Others), health and safety, working time and leave, miscellaneous

***Sindicatul Familia Constanța, Ustinia Cvas and Others – v – Direcția
Generală de Asistență Socială și Protecția Copilului Constanța,
Romanian case***

Question

Must Article 1(3) of Directive 2003/88, read in conjunction with Article 2(2) of Directive 89/391, be interpreted as meaning that the work of a foster parent, which consists, in the context of an employment contract with a public authority, in receiving and integrating a child into their home and providing, on a continuous basis, for the harmonious upbringing and education of that child, does not come within the scope of Directive 2003/88?

Ruling

Article 1(3) 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, read in conjunction with Article 2(2) of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, must be interpreted as meaning that the work performed by a foster parent under an employment contract with a public authority, which consists in taking in a child, integrating that child into his or her household and ensuring, on a continuous basis, the harmonious upbringing and education of that child, does not come within the scope of Directive 2003/88.

Creator: European Court of Justice (ECJ)

Verdict at: 2018-11-20

Case number: C-147/17