

Free movement of workers: measures facilitating the exercise of rights conferred on workers

2013/0124(COD) - 12/03/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 566 votes to 92, with 25 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers.

Parliament adopted its position at first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of an agreement reached between the European Parliament and the Council. They amended the proposal as follows:

Subject matter: the proposed Directive lays down provisions which facilitate the uniform application and enforcement in practice of the rights conferred by Article 45 TFEU and Articles 1 to 10 of [Regulation \(EU\) No 492/2011](#). It should apply to Union citizens exercising those rights and to members of their family ('Union workers and members of their family').

Scope: the scope of this Directive is **identical to that of Regulation (EU) No 492/2011** in the area of freedom of movement for workers:

- access to employment;
- conditions of employment and work, in particular as regards remuneration, dismissal, health and safety at work, and, if Union workers become unemployed, reinstatement or re-employment;
- access to social and tax advantages;
- membership of trade unions and eligibility for workers' representative bodies;
- access to training;
- access to housing;
- access to education, apprenticeship and vocational training for the children of Union workers;
- **assistance afforded by the employment offices.**

Defence of rights: Member States should ensure that **after possible recourse to other competent authorities** including, where they deem it to be appropriate, conciliation procedures, judicial procedures, for the enforcement of obligations under Article 45 TFEU and Articles 1 to 10 of Regulation (EU) No 492 /2011, are available to all Union workers and members of their family. The role of **associations, organisations, including the social partners, or other legal entities**, which have a legitimate interest in ensuring that this Directive is complied with, has been strengthened.

The Directive should apply without prejudice to national rules of procedure concerning representation and defence in court proceedings.

Collective redress: with a view to ensuring effective legal protection, and without prejudice to the existing collective defence mechanisms available to the social partners and national law or practice, Member States are invited to examine the implementation of common principles for **injunctive and compensatory collective redress mechanisms**.

Adverse consequence following a complaint: Member States should introduce in their national legal systems such measures as are necessary to protect Union workers from any adverse treatment or adverse consequence as a reaction to a complaint or proceedings aimed at enforcing compliance with the rights to free movement.

Defence structures and bodies: each Member State should designate one or more structures or bodies for the promotion, analysis, monitoring and support of equal treatment of Union workers and members of their family without discrimination on grounds of nationality, unjustified restrictions or obstacles to their right to free movement and shall make the necessary arrangements for the proper functioning of such bodies. The competences of those bodies should include:

- providing or ensuring the provision of independent legal and/or other assistance to Union workers and members of their family;
- acting as a contact point vis-à-vis equivalent contact points in other Member States in order to cooperate and share relevant information;
- conducting or commissioning independent surveys and analyses concerning unjustified restrictions and obstacles to the right to free movement, or discrimination on grounds of nationality.

Member States should communicate to the Commission the names and contact details of the contact points. They should also promote cooperation between the bodies designated by them under this Directive.

Report: the Commission should prepare a report on the implementation of the future Directive, evaluating in particular the opportunity to present any necessary proposal aiming to guarantee a better enforcement of Union law on free movement. In that report, the Commission should address the possible difficulties faced by **young graduates looking for employment** across the Union and by **third-country spouses of Union workers**.