

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

2013/0124(COD) - 16/04/2014 - Final act

PURPOSE: to ensure the better application of EU legislation on people's right to work in another Member State than their own and thus to make it easier for people to exercise their rights in practice conferred by Article 45 of the TFEU.

LEGISLATIVE ACT: Directive 2014/54/EU 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.

CONTENT: this 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.

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. However, those national time-limits shall not render virtually impossible or excessively difficult the exercise of those rights.

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 treatment following a complaint: Member States shall 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.

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, without prejudice to their rights, and to the rights of associations, organisations and other legal entities;
- 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, of Union workers and members of their family;
- ensuring the publication of independent reports and making recommendations on any issue relating to such restrictions and obstacles or discrimination;
- publishing relevant information on the application at national level of Union rules on free movement of workers.

Member States should communicate to the Commission the names and contact details of the contact points.

Member States should ensure the promotion of synergies with existing information and support tools at Union level and, to that end, should ensure that existing or newly created bodies work closely with the existing information and assistance services, such as *Your Europe*, SOLVIT, Enterprise Europe Network, the Points of Single Contact.

Dialogue and access to information: Member States should promote dialogue with the social partners and with appropriate non-governmental organisations to address and combat unjustified restrictions and obstacles to the right to free movement or different forms of discrimination on the grounds of nationality. This information should also be easily accessible through *Your Europe* and EURES.

Minimum requirements: Member States may introduce or maintain provisions which are more favourable to the protection of the principle of equal treatment than those laid down in this Directive for example by authorising the competences of the bodies referred to in this Directive to promote also the equal treatment without discrimination on grounds of nationality of all Union citizens exercising their right to free movement and the members of their family, in accordance with [Directive 2004/38/EC](#).

The implementation of this Directive shall under no circumstances be sufficient grounds for a reduction in the level of protection of Union workers and members of their family, in the areas to which it applies.

Reporting: by 21 November 2018, the Commission shall submit a report on the implementation of this Directive, with a view to proposing, where appropriate, the necessary amendments.

ENTRY INTO FORCE: 20.05.2014.

TRANSPOSITION: 21.05.2016.