

Free Movement Directive Equality Bodies



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Equinet Legal Working Group

- Equality lawyers from 24 National Equality Bodies
- Produce reports annually to compare how EU equality legislation is implemented in Member States, identify obstacles to implementation and make recommendations for improvement
- ECrtHR Interventions Pilot Project



Equinet Surveys

- Equinet surveys: summer 2014/spring 2015
- Equinet Legal Working Group review of Directive and its implications: Spring/Autumn 2015
- 19 NEBs already cover nationality discrimination
- However few designated by September 2015



Article 18 Treaty on the Functioning of the European Union

- Within the scope of application of the Treaties, and without prejudice to any special provisions contained therein, any discrimination on grounds of nationality shall be prohibited.
- The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may adopt rules designed to prohibit such discrimination.



Art 45 TFEU

1. Freedom of movement for workers shall be secured within the Union.
2. Such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment.



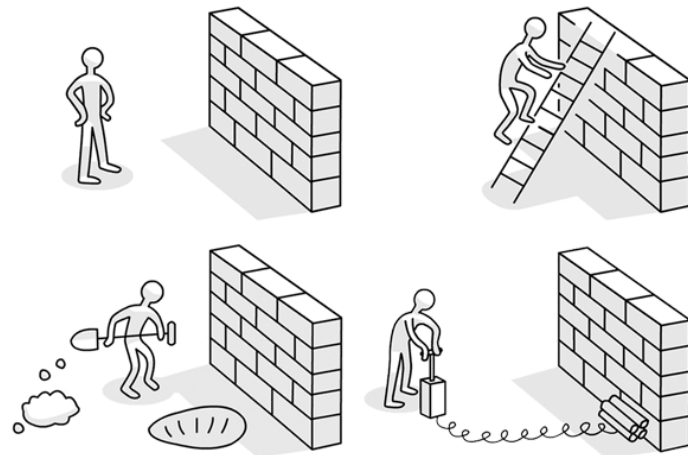
Article 21 Charter of Fundamental Rights of the EU

2. Within the scope of application of the Treaties and without prejudice to any of their specific provisions, any discrimination on grounds of nationality shall be prohibited



Objectives of the Freedom of Movement Directive 2014/54/EU

- Lessening nationality discrimination against EU workers;
- closing the gap between rights on paper and exercise in practice through correct implementation of existing legislation;
- reducing the incidence of unfair practices against EU migrant workers; and
- empowering EU migrant to workers to ensure their rights are respected.



Freedom of Movement Directive 2014

- access to employment;
- conditions of employment and work
- access to social and tax advantages;
- membership of trade unions and eligibility for workers' representative bodies;



Freedom of Movement Directive 2014

- access to training;
- access to housing;
- access to education
- assistance afforded by the employment offices.



Designated bodies' duties

Art 4 (2) FM Directive:

- a. independent legal and/or other assistance
- b. contact point
- c. surveys and analyses
- d. reports and recommendations
- e. publishing information



Key challenges

- What legal assistance?
- Scope of Directive
- Charges?
- General assistance?
- Conflict of interest
- Information
- Same sex couples



Legal Assistance and Scope of Directive

- *Union and national rules on free movement of workers*
- *information about complaint procedures*
- *help to protect the rights of workers and members of their family.*
- *may also include assistance in legal proceedings*



Other Challenges

- Charges
- General assistance
- Potential conflict of interest
- Information
- Risk of under-reporting



Same sex couples and their families

Family member means:

(a) the spouse;



*(b) the partner with whom the Union citizen has contracted a registered partnership, on the basis of the legislation of a Member State, **if the legislation of the host Member State treats registered partnerships as equivalent to marriage and in accordance with the conditions laid down in the relevant legislation of the host Member State***

(c) the direct descendants who are under the age of 21 or are dependants and those of the spouse or partner as defined in point (b)

Legal recognition of same sex relationships

According to Rainbow Europe published by ILGA, May 2015, the following countries do not recognise same sex partnerships.

Bulgaria	Cyprus	Greece	Italy	Latvia
Lithuania	Poland	Romania	Serbia	Slovakia
Slovenia				

According to Voxeurope, this Wikipedia Map shows recognition for same sex partnerships and marriages as at July 2015:

- All countries in dark blue have introduced marriage for all.
- Countries in light blue do not recognise same-sex marriage but do allow civil partnerships.
- Countries in red explicitly ban marriages between same-sex couples.
- Malta recognises unions granted abroad.
- Countries in red and blue recognise same-sex civil partnerships, but forbid marriage.
- Countries in grey do not recognise same-sex civil partnerships.

Note: However, Cyprus has introduced same sex partnerships in December 2015, after these statistics/map were compiled.

