The work of equality bodies designated as freedom of movement bodies under Directive 2014/54

Overview and key findings of upcoming Equinet publication

Online Training “Equality Bodies & Freedom of Movement of EU Workers”
17 March 2021
Equinet Members

- Network of national **equality bodies** (47 members from across Europe)
- Equality bodies set up on the basis of **EU Equal Treatment Directives** (2000/43/EC; 2004/113/EC; 2006/54/EC)
- **Diversity** among national equality bodies in terms of size, mandate, grounds, structure and experience
The Directive is innovative in the way that it obliges Member States to designate a structure/body to promote equal treatment of Union workers and members of their family on the grounds of nationality, as well as to tackle unjustified restrictions and obstacles to their right to free movement. [...] This issue (i.e. the allocation of sufficient resources) has been raised with most of the countries."
Equality bodies as FoM bodies

- **17 out of 27 EU MS** designated an NEB as Art.4 body under Directive 2014/54

- Effective work since **2018** – transposition delays and 12 infringement procedures;

- **NEBs working in national level partnership** – often, composite FoM national structures as Art.4 bodies; problems with **coordination** and effective collaboration
### Equality bodies as FoM bodies: A Map

<table>
<thead>
<tr>
<th>Austria: Ombud for Equal Treatment</th>
<th>Italy: National office against racial discrimination</th>
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<tr>
<td>Belgium: Myria - UNIA</td>
<td>Lithuania: Office of the Equal Opportunity Ombudsperson</td>
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<tr>
<td>Czech Republic: Public Defender of Rights</td>
<td>Luxembourg: Centre for Equal Treatment</td>
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<tr>
<td>Estonia: Gender Equality and Equal Treatment Commissioner</td>
<td>Malta: National Commission for the Promotion of Equality</td>
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<tr>
<td>Finland: Non-discrimination Ombudsman</td>
<td>Netherlands: Netherlands Institute for Human Rights (acting as contact point)</td>
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<td>France: Defender of Rights</td>
<td>Portugal: High Commission for Migration</td>
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<tr>
<td>Slovenia: Advocate for the Principle of Equality (contact point)</td>
<td>Romania: National Council for Combatting Discrimination</td>
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<tr>
<td>Greece: The Greek Ombudsman</td>
<td>Slovakia: Slovak National Centre for Human Rights (contact point)</td>
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<td>Ireland: Irish Human Rights and Equality Commission</td>
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[www.equinateurope.org](http://www.equinateurope.org)
# The work of equality bodies

## Hard and soft powers

### Functions laid down in EU Directives:

- Independent assistance to victims of discrimination
- Independent **surveys and reports concerning discrimination**
- Recommendations to policy makers on discrimination issues
- **Exchange of information** with European bodies

### Wider functions accorded to Equality Bodies:

- Communication, awareness-raising and promotion of values
- Quasi-judicial decision-making on cases (legally binding decisions)
- Work with duty-holders (private and public) – e.g. capacity building, good practice promotion
- **Freedom of movement mandate**
- Work-life Balance
- Monitoring and supervision
The work of equality bodies as FoM Bodies

Additional tasks

New functions (beyond traditional equality and non-discrimination work) accorded to Equality Bodies under Directive 2014/54:

- Tackling “unjustified restrictions and obstacles to the right to freedom of movement” of mobile EU workers and their families;
- Conducting surveys and analysis concerning obstacles to free movement;
- Making recommendations on any issue relating to unjustified restrictions and obstacles to free movement;
- Outreach to and information dissemination among EU workers (unfamiliar group for NEBs);
- Collaboration with information and assistance services in the area of freedom of movement (unfamiliar group of partners and unknown institutional landscape).