

The right for freedom of movement for workers in the EU

[Sofia](#) is a Spanish chef. Her dream is to work in a restaurant in Denmark. In view that freedom of movement is one of the European Union's founding principles, Sofia can live and work anywhere in the EU, earn the same as her Danish colleagues, and work under the same conditions. [Freedom of movement for workers](#) *“means cultural exchanges, plugging knowledge gaps and boosting the internal market.”*

The number of citizens interested in working in another EU country is on the increase. In fact, the share of persons who has no interest at all in working abroad, regardless of pay, declined from 28% in 2009 to 21% in 2022.

This development is illustrated in a Eurobarometer survey on [intra-EU labour mobility after the pandemic](#) that found that the majority of Europeans (58%) support labour mobility and believe it has positive effects. Moreover, 48% of EU respondents think working abroad helps a person acquire additional experiences which help them to do their job better.

As one of the four freedoms of the EU, the freedom of movement for workers as laid down in Article 45 of the Treaty on the Functioning of the EU, gives citizens of an EU member state the right to look for a job in another member state, work there without the need for a work permit, reside there for that purpose, stay there even after their employment has finished, and enjoy equal treatment with nationals in access to employment, working conditions and all other social and tax advantages.

However, this does not always mean that EU citizens who want to move or who actually move from one member state to another for work purposes do not face problems in exercising their rights. In fact, in 2019, the [European Labour Authority](#) was set up to ensure fair labour mobility across the EU and support the coordination of social security systems.

At a national level, freedom of movement for workers in the EU was included in the remit of the [National Commission for the Promotion of Equality](#) (NCPE) in 2016 by virtue of [Legal Notice 173 of 2016](#). [This Legal Notice stipulates](#) that persons who encounter discrimination

or obstacles to exercising the right of freedom of movement may lodge a complaint to the NCPE.

The NCPE can investigate complaints in relation to access to employment; conditions of employment and work (remuneration, dismissal, health and safety at work, and, if 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 workers; and assistance afforded by the employment offices.

One such case investigated by the NCPE in 2018 involved a British national who transferred her residence to Malta with the aim of finding a job, but who was ordered to leave Malta as it resulted that she was still working in the UK. On the other hand, the complainant stated that she was in a pre-retirement work phase. She was seeking employment in Malta, and she met both the financial and insurance requirements of her host country.

Following an investigation, the NCPE Commissioner concluded that due to a failure by the relevant department to sufficiently delve into the complainant's case, the right of free movement was restricted without justification. Eventually, the complainant obtained residence when her appeal with the Immigration Appeals Board was upheld.

Reporting such cases to the NCPE is thus vital to ensure that rights to freedom of movement are translated into reality.

The National Commission for the Promotion of Equality (NCPE) can be contacted on: 2276 8200, equality@gov.mt or NCPE's social media platforms (Facebook, Instagram, and Twitter - NCPE.Malta)

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