

Subsidiary Legislation made under s.86(1)(g) of the Employment Act and s.23(g)(i) the Interpretation and General Clauses Act.

WORKERS' RIGHTS REGULATIONS 2016

(LN. 2016/112)

Commencement **23.5.2016**

Amending enactments	Relevant current provisions	Commencement date
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Transposing:
Directive 2014/54/EU

ARRANGEMENT OF REGULATIONS.

Regulation

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In exercise of the powers conferred upon him by section 86(1)(g) of the Employment Act and section 23(g)(i) the Interpretation and General Clauses Act, and in order to transpose Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers, the Minister has made the following Regulations—

Title.

1. These Regulations may be cited as Workers' Rights Regulations 2016.

Commencement.

2. These Regulations come into operation on the day publication.

Interpretation.

3. In these Regulations—

“competent authority” means the body designated under regulation 5;

“Directive” means Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers, as the same may be amended from time to time;

Scope.

4. In addition to the rights conferred on European Union citizens by Article 45 of the Treaty on the Functioning of the European Union and Articles 1 to 10 of Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union these Regulations apply to members of their families.

Competent Authority.

- 5.(1) The Minister must, by Notice in the Gazette designate the competent body for the purposes of these Regulations.

(2) The competent authority designated under subregulation (1) shall be responsible 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.

(3) Where required to do so to ensure its proper functioning, the Minister may issue directions to the competent authority.

Competences of the Competent Authority.

6.(1) The competent authority must—

- (a) ensure Union workers and members of their family are provided with independent legal or other assistance or both, without prejudice to their rights and the rights of trade unions, employer's associations or a legal entity referred to in article 3 of the Directive;
- (b) act as the contact point for Gibraltar in relation to an equivalent contact point in a Member State, in order to cooperate and share relevant information;
- (c) conduct or commission 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 families;
- (d) ensure the publication of independent reports and make recommendations on any issue relating to such restrictions and obstacles or discrimination;
- (e) publish relevant information on the application in Gibraltar of Union rules on free movement of workers.

(2) The provision of assistance in legal proceedings shall be free to persons who lack sufficient resources but in all other respects shall be subject to the provisions of the Legal Aid and Assistance Act and subsidiary legislation made thereunder.

(3) The competent authority shall have the competence to make use of and cooperate with information and assistance services established at the European Union level, including Your Europe, SOLVIT, EURES, Enterprise Europe Network and the Points of Single Contact, in accordance with Article 4(4) of the Directive.

Promotion of dialogue.

7. The Minister shall, by such means as he deems fit, promote dialogue with the social partners and with relevant non-governmental organisations which have, in accordance with the laws or practice in Gibraltar, a legitimate interest in contributing to the fight against unjustified restrictions and obstacles to the right to free movement, and discrimination on grounds

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of nationality, of European Union workers and members of their family with a view to promoting the principle of equal treatment.