

Directive 2014/36/EU of the European Parliament and of the Council
of 26 February 2014 on the conditions of entry and stay of third-
country nationals for the purpose of employment as seasonal workers

CHAPTER IV

RIGHTS

Article 23

Right to equal treatment

1 Seasonal workers shall be entitled to equal treatment with nationals of the host Member State at least with regard to:

- a terms of employment, including the minimum working age, and working conditions, including pay and dismissal, working hours, leave and holidays, as well as health and safety requirements at the workplace;
- b the right to strike and take industrial action, in accordance with the host Member State's national law and practice, and freedom of association and affiliation and membership of an organisation representing workers or of any organisation whose members are engaged in a specific occupation, including the rights and benefits conferred by such organisations, including the right to negotiate and conclude collective agreements, without prejudice to the national provisions on public policy and public security;
- c back payments to be made by the employers, concerning any outstanding remuneration to the third-country national;
- d branches of social security, as defined in Article 3 of Regulation (EC) No 883/2004;
- e access to goods and services and the supply of goods and services made available to the public, except housing, without prejudice to the freedom of contract in accordance with Union and national law;
- f advice services on seasonal work afforded by employment offices;
- g education and vocational training;
- h recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures;
- i tax benefits, in so far as the seasonal worker is deemed to be resident for tax purposes in the Member State concerned.

Seasonal workers moving to a third country, or the survivors of such seasonal workers residing in a third-country deriving rights from the seasonal worker, shall receive statutory pensions based on the seasonal worker's previous employment and acquired in accordance with the legislation set out in Article 3 of Regulation (EC) No 883/2004, under the same conditions and at the same rates as the nationals of the Member States concerned when they move to a third country.

2 Member States may restrict equal treatment:

- (i) under point (d) of the first subparagraph of paragraph 1 by excluding family benefits and unemployment benefits, without prejudice to Regulation (EU) No 1231/2010;

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- (ii) under point (g) of the first subparagraph of paragraph 1 by limiting its application to education and vocational training which is directly linked to the specific employment activity and by excluding study and maintenance grants and loans or other grants and loans;
- (iii) under point (i) of the first subparagraph of paragraph 1 with respect to tax benefits by limiting its application to cases where the registered or usual place of residence of the family members of the seasonal worker for whom he/she claims benefits, lies in the territory of the Member State concerned.

3 The right to equal treatment provided for in paragraph 1 shall be without prejudice to the right of the Member State to withdraw or to refuse to extend or renew the authorisation for the purpose of seasonal work in accordance with Articles 9 and 15.