1. The Commission does not explicitly collect data on the subject of equal rights for workers in the EU Member States. It gathers information indirectly through feedback received by complaints sent to the Commission, expert networks, EU assistance tools like SOLVIT\(^1\), Your Europe Advise\(^2\), etc, other public sources and court cases referred by national courts to the Court of Justice of the EU.

2. The Commission does not have statistics on individual workers’ earnings in the Member States divided by the nationality of the worker.

3. Equal treatment between national and EU workers is laid down in Article 45 of the Treaty on the Functioning of the European Union. All workers fall under the legislation of the state of employment and it is for the respective Member State to enforce the correct application of their respective labour and social legislation, and to ensure equal treatment. The Commission notes that a labour contract is a special type of a contract and at least in the private sector, its conclusion is subject to negotiation between two parties, the employer and the employee. Social partners also play a prominent role at national level when negotiating salaries, working conditions and supervising equal treatment at the work place.

Posted workers in the meaning of Directive 96/71/EC\(^3\) are entitled to minimum rates of pay, according to the host Member State rules, which could result in them being paid less for than nationals for the same job. It is worth noting that the rules as regards their pay were revised upwards in 2018. As of 30 July 2020, the payment of remuneration, instead of minimum rates of pay, will apply.

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\(^1\) [https://ec.europa.eu/solvit/index%5Fen.htm](https://ec.europa.eu/solvit/index%5Fen.htm)

\(^2\) [https://europa.eu/youreurope/advice/index_en.htm](https://europa.eu/youreurope/advice/index_en.htm)