



April 2021

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Focus on third-country national workers



Trust is the first step to tackling undeclared work and labour exploitation among third-country nationals. The Platform's March plenary discussion on 'Third country migration and undeclared work' shed light on different circumstances that determine undeclared work and labour exploitation of migrants.

You will find below news from the Platform's discussions on this topic, as well as a summary of other key topics of the Plenary meeting, and outcomes from a recent Platform seminar on seasonal work.

Counteracting undeclared work among third-country nationals

Although data on third-country nationals working undeclared is scarce, there are hints that they could be more often engaged in undeclared work – and consequently exposed to exploitative working conditions. While irregularly staying third-country nationals are most at risk of labour exploitation, some groups of regularly-staying migrants also face this risk because of their vulnerability. Overall, legal migration pathways for third-country nationals mainly focus on high-skilled sectors, and consequently, low and medium skilled migrants risk working in undeclared employment, especially in sectors with high workforce demand, such as domestic work or agriculture, despite this sector being covered by the Seasonal Workers Directive.

How can enforcement authorities, social partners and NGOs address these challenges? The Plenary thematic discussion on 24 March focused on solutions, including trust-building and information campaigns, training of inspectors and collaboration across services and authorities. Challenges included conflicting mandates between enforcement authorities, detection of abusive employers and preventing marginalised migrants being drawn into exploitive networks. The key recommendations for labour inspectorates included the need for effective complaint mechanisms and the importance of informing workers about their rights, as well as ensuring a focus on worker protection. Social partners such as trade unions can play an important role.



Multi-agency cooperation

Prevention:

- Targeted information in different languages and via different channels (DE example of one-stop shop counselling for workers and employers)
- Needs to go hand in hand with integration, active citizenship: also to raise awareness about declared work

Deterrence:

- Address conflicting mandates, roles and KPIs in cooperation procedures
- Other actors (e.g. police) also need to be aware and trained on labour exploitation and protection
- Look into wider aspects such as transport, accommodation & use as red flag for labour exploitation
- NGOs, social partners, social services to address wider issues (DE: social workers to identify exploitation)

Summary of key points from the discussion on third country nationals presented by a thematic expert

Examples from Platform representatives demonstrate that building trust in authorities is key in counteracting exploitation and undeclared work among workers from third countries. In Italy, labour inspectors collaborate with 'cultural mediators' to improve the confidence of the workers and to reach out to them despite language and cultural barriers. Practices mentioned by the Netherlands and Finland, such as having conversations with workers outside the workplace and away from the employer's presence, or inspectors leaving their business cards, have proven to improve trust. Participants noted it was important to provide information in different languages and via different channels, and highlighted the need to raise awareness about paths to integration and declared work.

The importance of workplace inspections in detecting labour exploitation was highlighted and during the inspections workers should be systematically informed about their rights - paying particular attention to language barriers. Regularisation initiatives such as temporary residence permits and safe reporting channels can also offer protection to victims of particularly exploitative working conditions.

Find out more about the topic by reading the Platform's recent study on [Counteracting undeclared work and labour exploitation of third country national workers](#) (PDF, 1,56 MB).

What's New

Platform Plenary meeting, 24-25 March 2021



Platform's transition to the European Labour Authority

Presumably on **26 May 2021**, the Platform will be established as a **permanent Working Group at the European Labour Authority (ELA)**, following the decision of the ELA Management Board adopted on 9 March. The Platform will then be chaired by ELA's Executive Director, a new Bureau will be constituted and ELA will provide the secretariat. ELA Management Board members and observers were asked to confirm the current representatives or appoint new ones by 9 May. A Platform webinar will take place in the spring to explain more about the Platform's transition to ELA. At the Plenary meeting, the ELA Executive Director emphasised his intention to preserve the valuable expertise of the Platform while ensuring enhanced synergies with the work of ELA.

Planning for the campaign on seasonal workers

ELA's Executive Director presented the **proposal for a Platform strand of the ELA campaign on seasonal workers**, following on from the successful #EU4FairWork campaign last year. It aims to link in with the broader ELA Action Plan on seasonal workers which itself includes an awareness-raising campaign. A discussion took place on ensuring a clear target group for the Platform strand of the campaign and tailored strategies and channels to reach the groups. A **Platform working group on 'Information and communication'** was established on the topic, with two meetings before summer foreseen - the first will take place online **on 26 April**.

Responding to the COVID-19 pandemic

Platform representatives also heard about **new adaptation and reorganisation measures taken by enforcement authorities during the COVID-19 pandemic**. Presentations from Belgium and Sweden highlighted the importance of working closely with other authorities and sharing information, and ensuring a strong focus on occupational safety and health – not only for vulnerable workers, but also for labour inspectors. They also showed that inspectorates have adapted quickly and work has continued through teleworking and remote inspections.



Platform members' responses to a poll on the question "What was the main reform/change introduced in your organisation in the last 6 months to deal with the pandemic's impact?"

Achieving results

Updates since the last plenary include the biennial report of the Platform. The key statistics, progress and results from the biennial report and satisfaction survey end of 2020 show that the Platform has made good progress in delivering its mission, objectives and activities. Progress is notably reported towards improving capacity, raising awareness and enhancing cooperation.

Platform highlights since 2016:

 Cooperation	 Consensus	 Tools	 Evidence	 Awareness
<ul style="list-style-type: none"> Increased cooperation within countries New cross-border partnerships Exchanges of staff, information, data Peer support for organisational reform Responsiveness to COVID-19 	<ul style="list-style-type: none"> Agreement on priorities and challenges Holistic approaches Focus on prevention and risk assessment 	<ul style="list-style-type: none"> 66 learning events 1724 participants 129 learning resources 9 practitioner toolkits Virtual library (238 publications) 	<ul style="list-style-type: none"> 17 studies on specific or new types of undeclared work 4 annual surveys of Platform members Policy approaches in 131 practice examples 	<ul style="list-style-type: none"> Increased awareness raising and communications activities First Platform campaign (March - October 2020) #EU4FairWork

The new activity of **Peer Learning Dialogues** was also introduced, with a pilot proposed to further explore lessons learned from the pandemic. Platform members were invited to express interest in these activities by 4 May.

Highlights from the Platform seminar on seasonal workers

Estimates suggest that there are over 200 000 intra-EU seasonal workers working undeclared in the agriculture, accommodation, and food services sectors in the EU. The

agriculture sector, due to small-scale and/or very remote settings, is particularly hard to detect and inspect. Unregistered contracts, under-reported working hours, underpayment or withholding wages are several common undeclared practices among seasonal workers.

Tackling undeclared work among seasonal workers was the focus of a Platform seminar on 16 March 2021. Deterrence and preventative policy measures were highlighted in tackling undeclared work, although some aspects such as workplace inspections remain challenging due to limited access to premises. During the pandemic, a range of national initiatives using multi-stakeholder approaches were developed.

The pandemic has significantly changed the work of enforcement bodies and social partners. Enhanced cooperation and collaboration, online communication, and emphasis on registration requirements of intra-EU seasonal workers can inform policy makers and help address undeclared work among seasonal workers.

Find out more in the executive summary of the event [here](#).

Latest and upcoming publications

Published

- Biennial report 2019-2020 - [Click here to view](#) (PDF, 3.2MB)
- Operational conclusions from the October 2020 Plenary meeting - [Click here to view](#) (PDF, 123KB)
- Thematic report from the October 2020 Plenary meeting on tackling undeclared work in the collaborative economy and related to new forms of work - [Click here to view](#) (PDF, 470KB)
- Executive summary from the Platform seminar on tackling undeclared work among seasonal workers: developments, trends and good practices - [Click here to view](#) (PDF, 103KB)
- Study on counteracting undeclared work and labour exploitation of third country national workers - [Click here to view](#) (PDF, 1.6MB)
- Study on tools and approaches to tackle fraudulent temporary agency work, prompting undeclared work - [Click here to view](#) (PDF, 1.2MB)
- Learning resource from the thematic review workshop on tools and approaches to tackle fraudulent temporary agency work - [Click here to view](#) (PDF, 561KB)
- Enhanced learning resource paper from the thematic review workshop on cross-border sanctions in the area of undeclared work - [Click here to view](#) (PDF, 2.7MB)

Upcoming

- Learning resource from the Platform seminar on tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices

Inspiring practices

Spain - Telework legislation
[Click here to view](#) (PDF, 159KB)

Estonia – Notification letters
[Click here to view](#) (PDF, 165KB)

Romania – Holiday voucher scheme
[Click here to view](#) (PDF, 169KB)

Netherlands – Act on Combating Spurious Labour Contracts
[Click here to view](#) (PDF, 160KB)

Dates for the diary

- 26 April 2021 - Platform Working Group “Communication and information” on campaign
- 29 April 2021 – 90-minute webinar on COVID 19: combating fraud in short-term financial support schemes
- 19-20 May 2021 – Thematic review workshop on tackling undeclared work in the collaborative economy
- Early June (TBC): Second meeting of the Working Group on “Communication and information” on the Platform strand of the ELA campaign
- 22-23 June 2021 – Thematic review workshop on successful approaches of cooperation between labour inspectorates and social partners
- 21-22 October 2021 – next Plenary meeting of the Platform

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