

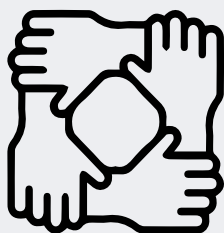
European Platform tackling undeclared work

Thematic review workshop: Successful approaches of cooperation between labour inspectorates and social partners
Online workshop, 22 and 23 June 2021

The workshop explored successful collaboration between labour inspectorates and social partners to tackle undeclared work in EU/EEA countries. The event was hosted online and brought together 41 participants from 22 countries, representing labour and social security inspectorates, ministries of labour as well as European level and national social partners, and representatives from Eurofound, the International Labour Organisation, the European Agency for Occupational Safety and Health, the European Commission and the European Labour Authority (ELA).

Participants reflected on (1) establishing strategic cooperation via different types of collaboration; (2) building partnerships based on commonly identified risks; and (3) implementing, managing and monitoring joint deterrence and prevention measures.

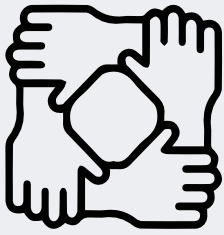
Establishing cooperation between labour inspectorates and social partners



- ▶ Collaboration with social partners and labour inspectorates builds on the common interest to promote fair and well-functioning labour markets. Policy measures to address undeclared work can profit from the combination of expertise and investigative powers of labour inspectorates and local workplace insight and direct outreach to workers and employers by social partners.
- ▶ Cooperation between labour inspectorates and social partners takes various forms, such as tripartite bodies, partnership agreements or memoranda of understanding and more informal exchange or ad hoc meetings. All cooperation forms are equally important, as they establish commitment and trust at a strategic and managerial level, and allow for contact and exchange on an operational level.
- ▶ One of the main challenges is a lack of capacity or resources in social partners and labour inspectorates to collaborate. In addition, establishing effective cooperation is often a lengthy process. Political support can strengthen collaboration via statutory forms of exchange or bodies and financial and capacity building support.



Establishing cooperation between labour inspectorates and social partners continued



- ▶ Trust is one of the most important drivers of cooperation. However, it often takes time to establish, and could be a topic on its own when developing agendas for cooperation. To set common goals, a key element is regular and open conversations, respecting each other's mission and tasks and recognising the mutual value of tackling undeclared work from different perspectives. Furthermore, early cooperation, such as common inputs into draft legislation, help to build trust.
- ▶ Moreover, representation of social partners on the boards or steering committees of labour inspectorates can ensure that all stakeholders have an equal say in procedures. For example, in Ireland, members representing the interest of employers and employees are on the board of management of the Workplace Relations Commission.

Building cooperation initiatives, based on common detection of undeclared work



- ▶ Efforts to tackle undeclared work should be based on a common assessment of undeclared work risks. An important tool is information sharing between the labour inspectorates and social partners. Social partners have sector-specific 'on-the-ground' expertise and facilitate a direct link to workers and employers. In many countries, they provide tips on suspected undeclared work cases or channel complaints to labour inspectorates.
- ▶ In turn, some labour inspectorates, such as in Belgium, share inspection results with social partners. However, in other countries, such as in Denmark or Slovakia, labour inspectorates cannot disclose findings from inspections due to data protection reasons, even if they received tips or insights from social partners. To address this challenge, cooperation partners need to determine which information can be exchanged and to focus on sharing concerns or local insight, if they are not allowed to share specific types of information.
- ▶ Common risk assessments can be further developed via agreements that foresee regular meetings to discuss continuing risks and solutions. For instance, in Finland, collaboration agreements are based on a long-term risk analysis. In Sweden, a new consultation group with social partners has been set up to discuss common concerns at national level and how they can be addressed locally.



Building cooperation initiatives, based on common detection of undeclared work continued



- ▶ Social partners and labour inspectorates can also learn from their respective approaches. For example, Constructiv, a Belgian organisation supporting workers and employers in construction, developed data mining based on specific red flags (such as sudden changes of workforce or a high use of temporary workforce) and contacts workers proactively.

Implementing common deterrence measures



- ▶ A common deterrence measure across the EU/EEA for tackling undeclared work are targeted inspections, and some inspections are informed by tips from social partners. Social partners also monitor the implementation of collective agreements and regulations concerning Occupational Safety and Health. In most countries, however, the social partners' mandate to enforce compliance is often more constrained than the mandate of labour inspectorates. Hence, good collaboration is required, so that the labour inspectorate can follow up actions by social partners with their own inspections or sanctions.
- ▶ There are a few examples of joint inspections of labour inspectorates and social partners, such as in Greece, Iceland and Italy. In Iceland, information provided by social partners can result in a joint inspection, which is prepared by an inspection briefing to establish roles and objectives of the inspection. In Italy, labour inspectorates and social partners perform inspections in accordance with a protocol which defines their responsibilities and duties. In Slovakia, Lithuania and Iceland the labour inspectorate cooperates with social partners who also implement their own inspections. For instance, in Lithuania, one trade union has inspectors who can impose sanctions.
- ▶ Another common deterrence measure is the use of identity cards worn by workers at the workplace. Identity cards, used in Belgium, Iceland, Finland, Norway and Sweden, help social partners and labour inspectorates to recognise workers, for example in subcontracting chains of employment, and in the detection of undeclared work. For instance, in Norway, ID cards in the construction and cleaning services issued by the Labour Inspection Authority are required for all employees and can be handled electronically by employers.



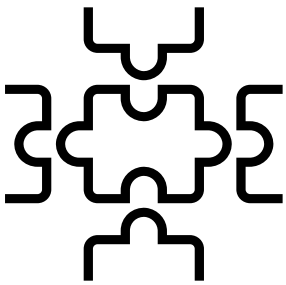
Implementing common prevention measures



- ▶ Prevention measures, such as awareness raising campaigns or advice for workers and employers, enhance a common understanding about the benefit of declared work. There are fewer examples of collaboration among social partners and labour inspectorates in the area of prevention, although some good practices are emerging.
- ▶ A prominent example are campaigns, where labour inspectorates and social partners collaborate in creating the content and distributing the material. For example, in Greece and Poland, campaigns focus on workers' rights and on the dangers related to undeclared work. In Greece, social partners and labour inspectors also visited schools to educate students about declared work in seasonal employment.
- ▶ In some countries like Cyprus or Slovakia, labour inspectorates and social partners set up joint training on declared work. For example, Cyprus is implementing a joint online training to educate and train social partners and labour inspectorates.
- ▶ A common risk assessment, previous inspection results and insight from social partners help to develop prevention measures. Here, the combination of deterrence and preventative measures can be considered in collaboration roles, for instance inspections combined with advice and guidance by social partners to workers and employers



Recommendations for national and EU-level to build successful approaches of cooperation



- ▶ A holistic approach is needed to create and implement deterrence and prevention measures in cooperation between social partners and labour inspectorates. National legislation could enhance collaboration with social partners and provide guidelines on specific responsibilities for the stakeholders involved.
- ▶ Currently, there are a few preventative measures implemented across Member States. However, the EU-level social partners and the Platform have the potential to develop measures based on insight from social partners in sending and receiving countries. However, the mandates of social partners in particular differ between the EU/EEA countries. To set up common cross-border measures, the mandate of social partners from different countries needs to be mutually acknowledged, for instance the role of social partners in inspections in one country should be taken into account when performing joint inspections in another country.
- ▶ Moreover, for many under-resourced labour inspectorates and social partners, EU-funded projects can be instrumental in developing cooperation, in particular across borders. This calls for more dedicated and sustained support for such cross-border collaboration between labour inspectorates and social partners.
- ▶ ELA can provide practical support for cooperation, focusing on the development of standardised cooperation tools, such as templates for cooperation agreements, methods of common risk assessment or joint deterrence measures, and disseminating results of social partner collaboration.

Further information: The workshop was an integral part of a larger mutual learning process among Platform members and observers and provided opportunities for exchange and collaboration. The information from the workshop will be fed into a Learning Resource Paper, a follow-up meeting and a toolkit. The input documents and presentations from the workshop will be uploaded to the Platform's collaborative workspace.

