

Joint control actions between the Ministry of Labour and the Ministry of Transport in the transport sector

Title of the policy or measure (in English)	Joint control actions between the Ministry of Labour and the Ministry of Transport in the transport sector
• Country	France
• Sectors	Transport and storage
• What groups are targeted by the measure	<p>Direct targets:</p> <ul style="list-style-type: none"> - Labour inspectors - Recovery agents of social protection organisations - Controllers of land transport - National Police, National Gendarmerie <p>Indirect targets:</p> <ul style="list-style-type: none"> - Freight road transport companies (vehicles with less than 3.5 tonnes of Gross Vehicle Weight (GVW) and more than 3.5 tonnes of GVW) - Road haulage companies (vehicles with less than 9 places including driver and vehicles with more than 9 places including driver) - Drivers of transport companies
• Purpose of measure	Deterrence: improve detection
• Short sentence summarising the measure	For more efficiency in the fight against undeclared work and fraud, joint and coordinated control actions between State services and URSSAF (<i>Unions de recouvrement des cotisations de Sécurité sociale et d'allocations familiales</i> , the administrative body responsible for social security funds, under the supervision of the Ministry of Social Affairs), regularly take place in the road transport sector, at different locations (the roadside, the dockside, and in companies).
Background	
• Background context driving the implementation of the measure	<ul style="list-style-type: none"> - The fight against illegal work in the road transport sector is confronted with increasingly complex systems. In particular some employers try to avoid compliance with several rules, for example, those related to the exercise of an independent professional activity, and those related to the hiring and the employment of drivers. This occurs in the context of Europeanisation of the transport sector. Therefore, the more effective cooperation of different state services and social protection agencies to detect the fraudulent activities is necessary. - There is unfair competition, to the detriment of those professionals in the road transport sector that are respectful of the regulations: for example, the use of seconded work, the hiring of illegal foreign workers, the illegal lending of labour, etc. - The joint control actions between the Ministry of Labour and the Ministry of Transport in the transport sector make it possible to inform French and foreign carriers and their employees about labour law and transport regulations, but also to reinforce controls and sanctions.
• When was the measure implemented? (including start date and end date/ongoing)	2016-2018 (ongoing)
• Names(s) of authorities/bodies/organisations involved	<ul style="list-style-type: none"> - URACTI (<i>Unité régionale d'appui et de contrôle Travail illégal</i>) - Regional Support and Control Unit on Illegal work, composed of labour inspectors, a unit of the DIRECCTE (Regional Directorate for

	<p>Enterprises, Competition, Consumption, Labour and Employment) which is the local administration in charge of labour inspection;</p> <ul style="list-style-type: none"> - Labour inspectors of the Labour Inspection Sections (SIT), with specialisation in the control of road transport; - Controllers of land transport; - The Regional Directorate for the Environment, Regional Planning and Housing, a local body of the Ministry of Transport. - National Gendarmerie, National Police (so-called ‘forces in uniform’); - Collection agents of social protection organisations.
<ul style="list-style-type: none"> • Scope of the measure (a pilot project, nationwide, regional wide) 	<p>The joint control actions between the Ministry of Labour and the Ministry of Transport in the transport sector are part of a national plan to combat illegal work (<i>Plan national de lutte contre le travail illégal 2016-2018</i>)ⁱ. The transport sector was added to the list of priority sectors in 2014ⁱⁱ. Regions are provided with autonomy to focus on the key priorities for their geographical area based on the national plan. The duration of the national plan to combat illegal work is three years and the current plan runs from 2016 to 2018.</p>
<ul style="list-style-type: none"> • Type of (policy) measure 	<p>Strategy</p>
<ul style="list-style-type: none"> • Key objectives of the measure 	<p>General objectives:</p> <ul style="list-style-type: none"> - fight against illegal work and posting fraud; <p>Specific objectives:</p> <ul style="list-style-type: none"> - improve the detection of fraud; - fight against unfair competition in road transport; - improve prevention through information and raised awareness amongst businesses and employees; - protect workers against fraudulent employers.
<p>Specific measure</p>	
<ul style="list-style-type: none"> • Description of how the measure operates in practice 	<ul style="list-style-type: none"> - Joint control in road freight transport is a procedure for controlling and combating fraud and illegal work resulting from inter-ministerial cooperation, more precisely between: the Ministry of Labour through its local bodies (DIRECCTE - Regional Directorate for Enterprises, Competition, Consumption, Labour and Employment), the Ministry of Transport (Regional Directorate for the Environment, Regional Planning and Housing), and the Police and the Gendarmerie (Ministry of the Interior). - In practice, this cooperation is reflected in an inspection team composed of various State services (labour inspectors, land transport controllers, police and Gendarmerie) and agents from social protection bodies, in a configuration that is adapted to the control location (roadside, company or dockside). The inspection team is responsible for the control of working conditions, posting of workers rules, the fight against hidden work and the legality of transport. - The team plans its interventions according to these different control locations. Interventions can be targeted to a place, date or company after a prior investigation, as well as untargeted and general, thus expanding the scope of control. - Roadside or dockside control is usually conducted by the control bodies within their competence, so that the vehicle and the driver are subject to a shorter immobilisation in time. - With regard to labour inspection and in the strict framework of the ILO Labour Inspection Convention 1947 (No. 81), labour inspection agents decide on the sanction resulting from their inspections. In cases of infringement, the sanction is graduated according to the degree of violation of the law (letter of observations, recall of the

regulation, record). Cases of illegal work (including false posting, undeclared work, work of illegal persons, loan of unlawful labour, and bargaining) are referred to Courts and they can be heavily sanctioned (administrative and / or criminal penalties).

- In cases of repeated infringement, the procedure may be supplemented by an in-depth investigation of the company to detect any organised fraud. It can be extended abroad by associating the country of origin of the company in question.
- In all cases, workers are informed directly by the State services of their rights.
- After this field work, the inspection team checks and shares the information collected according to the rules prescribed by the regulations. Thus, each service has the same information enabling them to apply the sanctions in their respective fields of competence.
- For more complex cases, additional organisations like the labour inspectorate informs the National Observation, Support and Control Group (GNVAC, *Groupe national de veille, d'appui et de contrôle*) within the General Directorate of Labour (DGT) from the Ministry of Labour. This unit brings its expertise especially for cases of illegal work on a large scale.

• What resources and other relevant organisational aspects are involved?

- The cost of these inspections is borne by each of the State services and the social protection organisations, according to the means implemented.
- For example, in the Bourgogne Franche-Comté region, the URACTI (Regional Support and Control Unit in charge of the fight against Illegal Labour) is composed of six control officers dedicated to the fight against illegal work, which can intervene in the road transport sector. There is also a URACTR (Regional Support and Control Unit in charge of Road Transport) composed of three control agents dedicated to the control of road transport. The URSSAF control department of this region is composed of about twenty inspectors dedicated to the fight against undeclared work. In addition, there are land transport controllers of the Regional Directorate for the Environment, Regional Planning and Housing of the region.

• What are the source(s) of funding?

Budgets provided by Ministries for state services. No further data was available.

Evaluation and outcome

• Has the measure achieved its objectives?

The joint control actions between the Ministry of Labour and the Ministry of Transport in the transport sector has met its core objectives, for exampleⁱⁱⁱ:

- To deter fraudulent activity: companies now know that this type of control is more effective which deters fraud;
- There is visibility of the controls: the teams of inspectors are present on the road and in the main places of loading or unloading vehicles; This signals to fraudulent companies that control is now carried out in the workplace and not only within companies;
- An impact on fraud prevention: companies are better informed about rules and penalties;
- There has been a positive impact for workers: they are better informed about their labour rights in France, improvement of their working conditions (working time, rest time), regularisation of their wages (respect of French minimum wage, overtime paid, etc.).

There are also specific assessments made at a regional level. For example:

- At the level of the Bourgogne-Franche-Comté region, 2017 data indicates that the region is amongst those where control is most

active (6th region in number of inspections). In 2017, 931 inspections were carried out, i.e. 8 % of all inspections carried out in France while the region is one of the least populated in France.

- In terms of efficiency, hidden work (including posted work fraud) remains a major issue in the region, however the detection has improved (85 % of offences are related to hidden work compared to 45 % on average in France).

- Assessment method (including indicators used to measure its impact), and the outputs and outcomes achieved

- At the national level, an annual assessment is carried out by the National Commission in charge of the fight against illegal work (*Commission nationale de lutte contre le travail illégal*)^{iv}. The financial assessment is made for the whole national strategy to combat illegal work but this does not give specific data at the level of the transport sector. According to 2017 figures, the balance sheet is positive in terms of efficiency: cooperation between the various services has increased the amount of social security contributions by 20 % (EUR 555 000 000 in 2016) and administrative penalties increased by 33 %, this at a general level (all sectors included, not only transport).^v
- In 2015, 4 700 transport companies were inspected. 12 % of them were in violation.^{vi} Hidden work is the first violation (70 % of cases), followed by illicit loan of labour (14 %).
- At the regional level, the plan to combat illegal work is evaluated by the DIRECCTEs. The figures below relate to the Bourgogne Franche-Comté region^{vii}:
 - For the year 2016, 1 878 controls (all sectors combined) were carried out including 940 controls in the provision of international service (including the road transport of goods). The main detected frauds were: the absence of a declaration of secondment, non-compliance with rules regarding the hours of work; and the remuneration, health and safety or absence of social protection of the seconded employee.
 - The penalties imposed in 2016 were: 20 fines imposed for a total amount of EUR 116 700 and 26 other fines being investigated.
 - For its part, the URSSAF inspectors in one department (out of eight) of the region conducted 753 interventions (all sectors combined), 75 % of which were part of a joint control with the other partners^{viii}. These actions resulted in a receipt of EUR 3 700 000 in payroll tax adjustments. In another department, the URSSAF recovered EUR 3 000 000 of contributions.
 - During March 2015, 15 joint inspections were carried out on light vehicles. As a result, information about the companies and their employees has been collected. Where companies were found to be in violation during initial inspections, inspectors have requested additional information from them, and upon receipt of this information, a decision regarding the extent of sanctions was made.

- What are lessons learnt and the key conditions for success?

Joint control actions between the Ministry of Labour and the Ministry of Transport in the transport sector are more effective because the information collected is more comprehensive. The exchange of information between the different control services make it possible to detect infringements more quickly and more precisely.

However, some difficulties are still present:

- Operations take a lot of time (documents to obtain, in-depth investigation, information exchanges with companies);
- Some companies are difficult to contact (business owner inaccessible or not found, mailbox company, etc.);

	<ul style="list-style-type: none"> - There are difficulties in obtaining information on the activities of foreign companies; - Lack of information, and subsequently understanding, of these foreign companies of the French legislation, in particular the social law which is different from that of their country of origin; - The language barrier; - Difficulties in applying sanctions on foreign companies. <p>Success factors of the joint control actions between the Ministry of Labour and the Ministry of Transport in the transport sector include:</p> <ul style="list-style-type: none"> - A framework of a national policy against illegal work (National Inter-ministerial plan under the responsibility of the Prime Minister).^{ix} - The cooperation between the different administrations (Ministry of Labour, Ministry of Transport, the National Gendarmerie and the National Police), and social protection agencies, in particular on information concerning companies, records of the previous checks, etc. This cooperation is longstanding and reinforced by the National Plan to combat illegal work. - The creation of specific labour inspection sections dedicated to road transport in the regions (under the supervision of the Ministry of Labour) and the creation of URACTIs (<i>Unité de contrôle à compétence régionale chargée de la lutte contre le travail illégal</i>) with a prerogative on illegal work in each regional Directorate. - Utilising existing data such as the national electronic register of road transport companies and the SIPSI prior declaration for posting^x.
<ul style="list-style-type: none"> • Level of transferability (e.g. other countries/groups/sectors) 	<p>The transferability of joint control actions between the Ministry of Labour and the Ministry of Transport in the transport sector is possible subject to close cooperation between the various services responsible for combating illegal work. In France, inspection and control are carried out by different units. Their cooperation increases the effectiveness of the fight against illegal and hidden work.</p> <p>However, the road freight transport sector is a particular activity requiring specific control which has led to the growing professionalisation of labour inspectors in the control of this sector, alongside specialised bodies (land transport controllers, uniform forces) in each region.</p>
<p>Additional information</p>	
<ul style="list-style-type: none"> • Contacts 	<p>Mr. Jean-Henri PYRONNET, Project Manager on Illegal Labour (General Directorate of Labour, Ministry of Labour) E-mail: jean-henri.pyronnet@travail.gouv.fr Tel: +33 (0)1 44 38 25 26</p> <p>Mr. David PERRIN-PILLOT, Project Manager 'Transport Networks' (General Directorate of the Ministry of Labour) E-mail : david.perrin-pillot@travail.gouv.fr Tel.: +33 (0)1 44 38 31 68</p>
<ul style="list-style-type: none"> • Useful sources and resources 	<ul style="list-style-type: none"> - National plan to combat illegal work 2016-2018 : http://travail-emploi.gouv.fr/IMG/pdf/le_pnlتي_2016-2018.pdf - Intermediate evaluation of the national plan to combat illegal work 2016-2018: http://travail-emploi.gouv.fr/IMG/pdf/le_pnlتي_2016-2018_bilan_intermediaire.pdf - National commission to combat illegal work: http://travail-emploi.gouv.fr/droit-du-travail/lutte-contre-le-travail-illegal/article/reunion-de-la-commission-nationale-de-lutte-contre-le-travail-illegal

	- assessment and measures of the plan against illegal work: https://www.economie.gouv.fr/files/files/directions_services/dnlf/Dossier_de_presse_CNLI.pdf
• Metadata and key words for online search	France; illegal work; hidden work; road transport; transport sector

ⁱ Commission Nationale de lutte contre le travail illégal (2016). 'National plan to combat illegal work 2016-2018'. Available at: http://travail-emploi.gouv.fr/IMG/pdf/le_pnliti_2016-2018.pdf

ⁱⁱ Other sectors are : [Agriculture, hotel-cafe-restaurants, building and public works, business services, live and recorded shows](#)

ⁱⁱⁱ These indicators are qualitative. They are drawn from the information collected by the Regional units (Regional Support and Control Unit in charge of the fight against Illegal Labour URACTIs). The intermediary assessment report has put forward the improvement of the efficiency of these controls from a qualitative point of view.

^{iv} Ministry of Travel (2016). 'Commission nationale de lutte contre le travail illégal'. Available at: <http://travail-emploi.gouv.fr/droit-du-travail/lutte-contre-le-travail-illegal/article/reunion-de-la-commission-nationale-de-lutte-contre-le-travail-illegal>

^v Commission nationale de lutte contre le travail illégal (2018). 'Bilan intermédiaire du plan national de lutte contre le travail illégal 2016-2018'. Available at: http://travail-emploi.gouv.fr/IMG/pdf/le_pnliti_2016-2018_bilan_intermediaire.pdf

^{vi} Direction générale du travail (2016). Available at : [Bilan des contrôles dans les secteurs prioritaires identifiés par le plan national de lutte contre le travail illégal en 2015](#)

^{vii} DIRECCTE Bourgogne Franche-Comté (2016). 'Rapport d'activité 2016 du Pôle Politiques du travail'. Available at:

<http://cc.bingj.com/cache.aspx?q=Rapport+d%e2%80%99activit%c3%a9+2016+du+P%c3%b4le+Politiques+du+travail.&d=4586296751427157&mkt=en-GB&setlang=en-GB&w=wnilpe82P4klm3HZ5xmDsEJnMDuqoaPJ>

^{viii} URSSAF Franche-Comté (2017). 'Lutte contre le travail illégal de l'URSSAF Franche-Comté en 2016. Communiqué de presse, 27 avril 2017.

^{ix} Commission Nationale de lutte contre le travail illégal (2016). 'National plan to combat illegal work 2016-2018'. Available at: http://travail-emploi.gouv.fr/IMG/pdf/le_pnliti_2016-2018.pdf

^x Détachement de travailleurs en France (2018). 'Bienvenue sur SIPSI'. Available at : <https://www.sipsi.travail.gouv.fr/>