



## European Platform Undeclared Work

## North Portugal – Galicia cross-border partnership

Portugal

	<p><b>Summary</b></p> <p>The North Portugal-Galicia cross-border partnership involves the exchange of information between labour inspectors concerning posted workers in Spain and Portugal to ensure the rights and equal treatment of these workers in both countries' labour markets and to prevent undeclared work.</p>
<p><b>Title of the practice in original language</b></p>	<p><i>Ações conjuntas e concertadas entre o Norte de Portugal e a Galiza</i></p>
<p><b>Name(s) of authorities/bodies/organisations involved</b></p>	<p><b>Portugal</b></p> <p>Authority for Working Conditions (Labour Inspectorate) (<i>Autoridade para as Condições do Trabalho (ACT)</i>)</p> <p><b>Spain</b></p> <p>Labour and Social Security Inspectorate (<i>Inspección de Trabajo y Seguridad Social (ITSS)</i>)</p>
<p><b>Sectors</b></p>	<p>Agriculture and fishing</p> <p>Construction and woodworking</p>
<p><b>Target groups</b></p>	<ul style="list-style-type: none"> <li>• Portuguese and Spanish labour inspectors (directly targeted);</li> <li>• Portuguese and Spanish employers (indirectly targeted);</li> <li>• Portuguese and Spanish workers (indirectly targeted).</li> </ul>
<p><b>Purpose of measure</b></p>	<p>Prevention</p>

	<p><b>Aims and objectives</b></p> <p>The North Portugal-Galicia partnership, through the exchange of information, aims to facilitate the cross-border mobility of workers, the provision of fair and safe working conditions and the prevention of undeclared work.</p>
<p><b>Background context</b></p>	<p>An increase in Portuguese workers in Spain resulted in irregularities and concerns about their salaries, duration of work hours, health and safety, particularly in the agricultural, forestry and construction sectors. Therefore in 2003, the Spanish and Portuguese labour inspectorates agreed to exchange information and promote cooperation</p>



	<p>between the two regions. The latest Memorandum of Understanding was signed in 2017 with a steering committee establishing the key cooperation activities for 2017/18.</p>
<p><b>Key objectives of the measure</b></p>	<p><b>General objectives:</b></p> <ul style="list-style-type: none"> <li>• To promote cross border relationships between employment institutions and government departments in Spain and Portugal;</li> <li>• To develop regional, social and institutional cohesion; and</li> <li>• To increase the regional Portuguese and Spanish entrepreneur base by promoting competition.</li> </ul> <p><b>Specific objectives:</b></p> <p>The two inspectorates exchange information on the following:</p> <ul style="list-style-type: none"> <li>• Working conditions, fraud and undeclared work;</li> <li>• Prevention of work accidents or occupational risks by companies working in Spain or Portugal;</li> <li>• Information on posted workers, including the movement of workers from countries outside the EU;</li> <li>• Information on companies that post workers.</li> </ul>
<p><b>Main activities</b></p>	<p>The Spanish and Portuguese labour inspectorates exchange information on the movement of companies and workers across the borders between the two countries, focusing on the following groups:</p> <ul style="list-style-type: none"> <li>• Posted workers in the neighbouring region in the context of supply of services;</li> <li>• Workers who cross the border daily;</li> <li>• Workers who move for two or three months to undertake activity in the agricultural sector.</li> </ul> <p>The primary actions of the partnership involve:</p> <ul style="list-style-type: none"> <li>• Encouraging information exchange between and within the two inspectorates on legislation regarding labour, taxation and social security and living and working conditions;</li> <li>• Cross-border concerted and joint inspection visits on construction sites to ensure that employers are declaring their workers and fulfilling their obligations to them;</li> <li>• Targeted inspections of companies posting workers;</li> <li>• Collection of information on work accidents in the country; the minimum wage paid to posted workers; and lodging conditions.</li> </ul>



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	<ul style="list-style-type: none"> <li>• Spanish authorities send the Portuguese authorities the list of Portuguese companies which have notified them about cross-border postings of workers (and vice versa);</li> <li>• Collaboration to ensure more effective penalty proceedings;</li> <li>• Analyses of the working conditions of posted workers, including health and safety, information on workers and employers to ensure that they have access to the same conditions as national workers;</li> <li>• Provision of cross-border services, including, facilitation of access to job vacancies and CVs for workers; guidance on vocational training and traineeship opportunities for potential employees.</li> </ul>
<p><b>Funding/organisational resources</b></p>	<ul style="list-style-type: none"> <li>• Joint inspections carried out by the Portuguese labour inspectorate are included as part of the core staff duties. Costs are not significant, and they arise mainly from daily subsistence allowances and travel costs;</li> <li>• The formal contacts between the Portuguese and Spanish labour inspectorates are made by the International Relations divisions of both organisations.</li> </ul>

	<p><b>Outcomes</b></p> <p>The partnership has enabled the sharing of information on posted workers and the coordination of joint inspections and interventions in companies which may be involved in undeclared work, leading to a better understanding of each country's procedures as well as a standardisation of the types of intervention.</p>
<p><b>Achievement of objectives</b></p>	<p>The achievements of the objectives from the practice are:</p> <ul style="list-style-type: none"> <li>• To measure and track the practical implementation of the agreement, a Joint Surveillance Commission was created in 2004 which meets every year.</li> <li>• Overall, the collaboration between the two labour inspectorates has enabled the coordination of interventions between the inspectorates and other institutions in the two countries;</li> <li>• The two inspectorates have increased their cooperation efforts to improve the flow of information related to companies and workers, -e.g. access to information regarding social security of posted workers and the exchange of information regarding working conditions of the posted worker;</li> </ul>



	<ul style="list-style-type: none"><li>• Contact intensification between the inspectorates has enabled inspectors in the two countries to participate in joint visits<sup>i</sup>, to increase understanding of each other's inspection procedures, and to standardise types of intervention, for example, in the way occupational accident inquiries are carried out;</li><li>• Improved communication with posted workers about their rights and responsibilities.</li></ul>
<b>Lessons learnt and success factors</b>	<p>Lessons learnt, and success factors include the following:</p> <ul style="list-style-type: none"><li>• Ensure information is collected from employment organisations and shared with government departments on labour, taxation, social security, living and working conditions to check for labour exploitation and undeclared work;</li><li>• Introduce targeted campaigns to improve working conditions and increase awareness of workers' rights and obligations in each country;</li><li>• Involve social partners in the process of seeking solutions to problems uncovered by the inspections.</li></ul>
<b>Transferability</b>	<p>For transferability, the willingness to establish a bilateral agreement is important. Once established, well-defined contact channels that allow effective exchange of information are critical to success, which may involve the removal of unnecessary bureaucracy, for example.</p>

<b>Further information</b>	
<b>Contact</b>	<p>Claudia Matos, ACT - Authority for Working Conditions (Portuguese labour inspectorate) Email: <a href="mailto:claudia.matos@act.gov.pt">claudia.matos@act.gov.pt</a></p>
<b>Useful sources and resources</b>	<p>Portuguese labour inspectorate <a href="http://www.act.gov.pt">www.act.gov.pt</a> Spanish labour inspectorate <a href="http://www.mitramiss.gob.es/itss/web/index.html">http://www.mitramiss.gob.es/itss/web/index.html</a></p>

<sup>i</sup> 39 joint inspections between 2014 and 2018