



European Platform
tackling undeclared work

COVRON and GOTOT teams: Specialised units of labour and national social security inspectors to investigate undeclared work especially when linked to cross-border employment

Belgium

	<p>Summary</p> <p>Specialised units of labour inspectors (Control of foreign enterprises active on Belgian territory (COVRON)) and social security inspectors (Special unit, GOTOT, of the National Office for Social Security, NSSO) were created for joint inspections of undeclared work especially when linked to cross-border employment in Belgium.</p> <p>The Social Information and Investigation Service (SIOD) coordinates different inspectorates to tackle social fraud and social dumping within the cross-border employment and the posting of workers.</p>
<p>Title of the practice in original language</p>	<p><i>Netwerk/Réseau</i> <i>GOT/Transfrontalier</i> <i>Social Information and Investigation Service</i></p>
<p>Name(s) of authorities/bodies/organisations involved</p>	<ul style="list-style-type: none"> • Federal Public Service Employment, Labour and Social Dialogue (FPS Employment) • National Social Security Office (NSSO) • The Social Information and Investigation Service
<p>Sectors</p>	<p>Public sector</p>
<p>Target groups</p>	<ul style="list-style-type: none"> • Labour and social security inspectors (directly targeted) • Posted workers (indirectly targeted) • Companies posting workers (indirectly targeted) • Belgian companies who create foreign companies to post workers to Belgium (indirectly targeted)
<p>Purpose of measure</p>	<p>Deterrence: improve detection</p>

	<p>Aims and objectives</p> <p>Specialised units under both the FPS Employment and the National Social Security Office were specifically created to adopt a multidisciplinary approach to tackle undeclared work in cross-border employment more effectively. The</p>
-------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



European Platform tackling undeclared work

	<p>Social Information and Investigation Service follows up and monitors the results of the collaborating inspectorates. They Report to the political authorities.</p>
<p>Background context</p>	<p>The specialised units of COVRON and GOTOT were created in 2006 as part of a wider re-design of the FPS Employment and the National Social Security Office.</p> <p>The regional COVRON team is a specially trained team of labour inspectors within the FPS Employment. The team has expertise in the compliance of foreign workers and employers operating in Belgium within Belgian labour law. It specifically looks into cases of undeclared work and social dumping.</p> <p>The regional GOTOT team is established under the National Social Security Office, with expertise in social security law (e.g. controls of the A1 forms¹ for posted workers, un(der)declared work and social dumping).</p> <p>The two teams work jointly in full synergy and in cooperation with other relevant public institutions, with the support of the SIOD to conduct joint inspections as well as preventative actions.</p> <p>Changes to the FPS Employment structure responded to the need to apply a holistic approach combining both deterrence and preventative approaches seeking to tackle undeclared work more effectively, especially when linked to cross-border employment.</p> <p>The SIOD was given a leading role in the process in order to intensify the cooperation between the specialised cells.</p>
<p>Key objectives of the measure</p>	<p>General Objective:</p> <ul style="list-style-type: none"> • To apply a holistic approach to effectively investigate cases of cross-border employment. <p>Specific Objectives:</p> <ul style="list-style-type: none"> • To train teams of labour inspectors to perform both deterrent and preventative actions; • To conduct controls and investigations simultaneously from a labour and social security law perspective; • To coordinate the specialised cells in the fight against social dumping.
<p>Main Activities</p>	<p>Recruitment: COVRON and GOTOT inspectors are specially recruited.</p> <p>Training: COVRON and GOTOT inspectors receive theoretical training and a long-term traineeship.</p>



European Platform tackling undeclared work

	<ul style="list-style-type: none"> • The theoretical training: includes an induction course covering posted workers, undeclared work and migrant workers. Additionally, each inspector must attend a series of courses in the first six-months of service, for example, on legal issues, inspection methodology, thematic issues. Training is mostly done using in-house resources carried out by the Chief labour inspectors/team leaders; • The traineeship: consists of a one-year, hands-on practical training course focusing on posted workers and other related cross-border issues; • Continued learning: Inspectors are encouraged to keep abreast of developments related to cross-border labour market trends and relevant legislation as well as methodological approaches. <p>Deployment and functions: The teams work under the legal basis of the Social Criminal Codeⁱⁱ and have considerable powers of investigation (seizure of equipment, sealing of premises, computer search, interviews using translators, etc.) as well as exercising discretion over the type of corrective measure (incentive or sanction) to apply. For instance, they have the power to redress infringements by placing injunctions on foreign employers (i.e. raise the salary of workers or issue salary liability letters). They also have a role in informing foreign employers and workers about their duties and rights and supporting both employers and employees to comply with labour law.</p> <p>The SIOD draws up an annual action plan to combat social fraud and social dumping. They receive European delegations in order to exchange good practices between the inspectorates in Europe. They report the monitoring of the fight to the Secretary of State in the battle against social fraud.</p>
<p>Funding/organisational resources</p>	<p>The budget for the COVRON and GOTOT teams is funded from the budget of the FPS employment and the NSSO, respectively. To date the COVRON team employs 49 staff (40 inspectors and nine team leaders). The GOTOT team consists of 41 staff (30 social inspectors and 11 team leaders), which accounts for approximately 10% of the total number of inspectors employed by the NSSO Inspectorate.</p> <p>The budget of the SIOD is a part of the budget of the Federal Public Service Employment and Social Dialogue.</p>



European Platform tackling undeclared work

	<p>Outcomes</p> <p>The teams succeeded in applying a holistic approach to investigate labour infringements in cross-border employment, leading to high rates of transformation of undeclared work into declared work.</p>
<p>Achievement of objectives</p>	<p>Of the cases that were jointly investigated, the COVRON and GOTOT teams succeeded in making 70% of employers comply by way of regularisation of the employment relationship or by the back payment of salaries to posted and undeclared workers. This was due to the combination of preventative actions (i.e. information and assistance to employers and employees) and the remedial tools which exist within the inspectorates' remit.</p> <p>This contrasts with the much lower rates of compliance in 2006, before the FPS Employment created these specialised teams, when only 30% of investigations resulted in the regularisation of the employment relationship or back payments of salaries.</p> <p>The SIOD reports these results to the Belgian government and different stakeholders.</p>
<p>Lessons learnt and success factors</p>	<p>Several success factors have been identified for the well-functioning of the specialised teams. These include the following:</p> <ul style="list-style-type: none"> • Strong and innovative legal basis set in the Social Criminal Code, granting large powers of investigation to the labour inspectorate services, and providing for an on-line database of penal reports; • Availability of alternatives to sanctions: warnings, injunctions, regularisation; • Excellent collaboration between the labour inspectorate services and other public services, facilitated especially via the establishment of a dedicated support unit, the SIOD; • Excellent cooperation with the Labour Prosecution Office in cases where foreign employers do not comply with Belgian legislation; • Use of risk analysis and data-mining via the National Office for social security; • Secure and powerful databases; • A strong training programme and knowledge management. <p>A major challenge identified was trying to impose fines abroad due to legal constraints in exercising such powers</p>



European Platform tackling undeclared work

	<p>outside the national territory, as well as the still limited cross-border cooperation with foreign authorities in charge of implementing the fines.</p> <p>International exchange of good practices needs cooperation between inspectorates in Belgium and good relations with colleagues in other EU countries. Therefore, the SIOD can function as a single point of contact to organise staff exchanges and joint inspections.</p>
<p>Transferability</p>	<p>While the list of success factors above provides a full reference for the elements to take into account, the two main pre-conditions for effectiveness of the deployment of such teams are:</p> <ul style="list-style-type: none"> • Strong cooperation among national institutions especially between social security institutions, police and prosecution offices; • Setting-up specific training for inspectors in cross-border employment and related issues (posted workers, human trafficking etc.).

<p>Further information</p>	
<p>Contact</p>	<p>Nancy Segers Federal Public Service Employment, Labour and Social Dialogue Email: Nancy.Segers@werk.belgie.be</p> <p>Eric Verlinden, The National Security Office Email: eric.verlinden@onssrsz.lss.fgov.be</p> <p>Bart Stalpaert, director of the Social Information and Investigation Service, member of the EU Platform Undeclared Work. Email: Bart.stalpaert@siod.belgie.be</p>
<p>Useful sources and resources</p>	<p>FPS Employment/Supervision of social legislation http://www.employment.belgium.be/defaultTab.aspx?id=38244</p> <p>National Social Security Office (NSSO) https://www.rsz.fgov.be/en/contact</p> <p>The Social Information and Investigation Service www.siod.belgie.be</p>



European Platform tackling undeclared work

ⁱⁱ Portable Document A1 (PD A1) certifies the social security legislation which applies to a posted worker and confirms that this person has no obligations to pay contributions in another Member State. It is used in situations where an employed or self-employed person has a connection through their employment or self-employment with more than one EU country. A person is only subject to the legislation of one country at any one time. See glossary of the European Platform for tackling undeclared work.

ⁱⁱ For more information on the Social Criminal Code in Belgium, see the country fiche of the European Platform tackling undeclared work. Available at: : file:///C:/Users/39940/Downloads/GP%20fiche_BE_Social%20Code.pdf, last accessed 14 October 2019.