



## **Fourth meeting of the European Labour Authority Working Group on Inspections**

9 June 2020

### **- Summary of the deliberations -**

The Experts appointed by the ELA Management Board Members met in video conference on 9 June 2020 for the fourth meeting of the ELA Working Group on Inspections. The aim of the meeting was to provide an update on the COVID-19 impact on cross-border activities, to review the updated versions of the deliverables and to discuss the needs for trainings and consultancy services on inspections for 2020 and 2021. After the break, a case study was presented and the possible role of ELA discussed. Then the discussion continued on the development of Key Performance Indicators and on the criteria for the evaluation of requests for inspection. The representatives of PricewaterhouseCoopers (PwC) (ELA's contractor for consultancy and training services in 2020) observed the relevant parts of the meeting.

During the meeting, ELA delivered a short update on their work on the Information task, with a focus on the website on posting of workers and ELA translation facility. The Commission updated the Group on the COVID-19 impact on cross-border activities and presented the mobility context 2020, as well as conclusions from two UDW Platform webinars concerning the impact of COVID-19 on undeclared work and on enforcement authorities. The Commission also informed the Working Group about the next steps of the #EU4FairWork campaign and its week of action, which has been postponed to 21-25 September 2020. ELA called for volunteering Member States to put forward their proposals to carry out ELA pilot inspections.

### **Review of the updated deliverables**

The Experts welcomed the slightly updated drafts of the Model Agreement (including the Inspection Plan template), the Case Description template, the Post-inspection report and the Workflow guidance documents. The Experts proposed some further improvements which will be integrated in the drafts. The above mentioned draft documents are ready to be tested during pilot inspections and, if needed, they will be further developed based on the feedback from the field work. The final results will be presented to the ELA Management Board for approval.

### **Future supporting and training needs for the ELA work on inspections in 2020/2021**

Following ELA's presentation, the Working Group provided inputs on the consultancy services and training activities for 2020 and 2021. ELA, with the support of the external contractor, will develop and deliver the trainings in 2020 in three modules: 1) The role of ELA in CJIs and initiation and implementation of CJIs (using the deliverables), 2) EU regulatory framework relevant for CJIs and tackling abuses in the selected areas, 3) Application of GDPR in the context of CJIs and use of IMI and other data exchange tools. The trainings will be organized in Brussels, in Bratislava or online if needed. The Experts agreed that the training should follow the objectives of the ELA. The Experts suggested including additional training topics and underlined that the trainings have to be orientated to practitioners/field inspectors, thus practical aspects of cross border cooperation should be emphasized. The suggestions will be taken into account in the preparation of training modules.

As regards training and consultancy services in 2021 for which a call for proposal is to be published this year, ELA proposed to orientate trainings towards: (1) building up the operational capacity of inspecting bodies through a set of training seminars, webinars and e-learning tools and (2) promoting cooperation and mutual learning via staff learning exchanges for inspectors joining cross border inspection teams. The Working Group will suggest the specific topics for the activities in due time. The consultancy services could be focused on further developing the deliverables, drawing up a quarterly electronic bulletin and several analytical ad hoc reports. The representatives of the contractor were not present during the discussion on future services to be tendered by ELA.

### **Presentation of a case study and possible role of ELA**

The Expert appointed by France presented a case study focusing on the role of letterbox companies in a complex fraud scheme. The possible role of ELA in such case was then discussed. The Experts agreed that the coordination and support of ELA in CJIs is particularly beneficial in case of complex issues regarding labour law or social security infringements where several Member States are involved. The role of ELA is foreseen in the coordination, administrative and legal support as well as in other support services, e.g. interpretation.

### **Key Performance Indicators**

The Expert appointed by the Netherlands presented their national experience in developing KPIs based on outcomes. ELA presented an updated list of possible Key Performance Indicators covering quantitative aspects as well as scope, financial/administrative results, judicial follow-up and capacity building. During the meeting, the Experts discussed the proposed KPIs, suggesting to focus also on qualitative indicators (effectiveness, prevention, added value of the concerted and joint inspections) in line with the objectives of ELA. The discussion will continue in the next meeting. ELA presented an overview of the number of CJIs that took place in Europe in 2019. The Experts were asked to provide the statistics about CJIs to serve as background information for the discussion of the ELA Management Board on the strategic planning of ELA activities until 2024.

### **Developing criteria for ELA to evaluate requests for inspections**

ELA presented an updated list of possible criteria for evaluating the cases proposed for ELA support. The proposed criteria focused on eligibility, necessity of the case, gravity of the impact on workers and/or labour market and sectoral coverage. The discussion will continue in the next meeting.

### **General remarks**

ELA will ask for further feedback to the Experts during the coming months and will present an updated version of all the deliverables in the next WG meeting on 7 October 2020, with a view to present the final results of the work of this year to the ELA Management Board in December 2020.