



Workflow guidance for Social partner organizations at national level to bring cases to the attention of ELA

DECEMBER 2020

List of abbreviations

CJIs	Concerted and Joint Inspections
ELA	European Labour Authority
MS	Member State(s)
NLO	National Liaison Officer
SPO	Social partner organizations

Introduction

According to Article 8(1) of Regulation (EU) 2019/1149, social partner organisations at national level may bring cases to the attention of the Authority. The workflow guidance for SPO defines and offers practical steps on how to bring cases to the attention of ELA and how ELA assess these cases.

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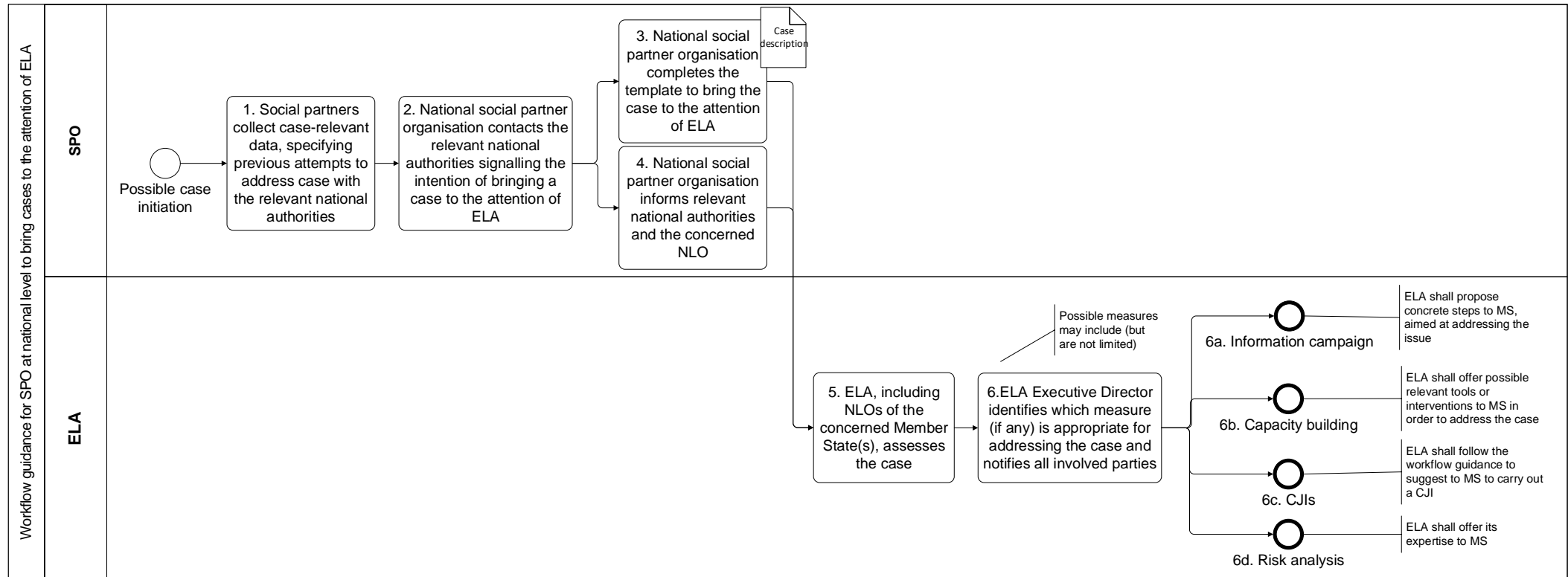
This workflow guidance establishes the procedure to carry out CJs.

1. Social partner organizations collect case-relevant data, specifying previous attempts to bring the case to the attention of the relevant national authorities. SPO provide a general description of the initial complaint or information. Briefly list all relevant information about the case and evidence already available, for example via preliminary research or joint risk assessment, investigations already carried out, including identified infringements, and provide information about actions already taken to tackle the problem at national or EU level, the results of those actions and the involvement of other Member States or stakeholders (if applicable).
 - Description and background of the case, including countries where violation occurred, companies or employers concerned, and previous efforts to address the case, if known.
 - Motivation of the request, and scope of the issue included.
 - Identification of relevant national or European legislation.
 - Barriers encountered that ELA involvement can help overcome.
2. The National SPO contacts the relevant national authorities signalling the intention to bring a case to the attention of ELA.
3. National social partner organisations send to ELA the completed template Case description to bring the case to the attention of ELA, and inform the relevant national authorities and the concerned NLO, if appropriate.
4. ELA, including NLOs of the concerned MS, assesses the case and may request additional information from SPO to facilitate assessment.
5. ELA Executive Director identifies which measure (if any) is appropriate for addressing the case and notifies all involved parties. Possible measures include (but are not limited to):
 - **Information campaign** - awareness-raising campaigns, including campaigns to inform individuals and employers, especially SMEs, of their rights and obligations and the opportunities available to them. ELA offers technical, administrative, financial or other support for an information campaign to address the issue.
 - **Capacity building** - ELA offers relevant tools or interventions to address the case through the following activities:
 - In cooperation with national authorities and, where appropriate, the social partners, develop common non-binding guidelines for use by

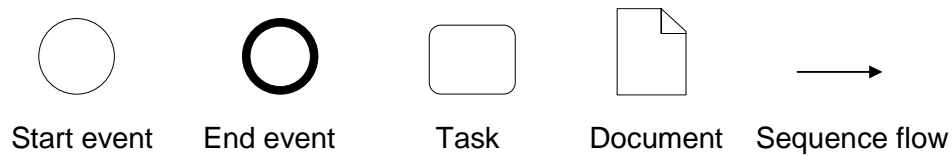
MS and the social partners, including guidance for inspections in cases with a cross-border dimension, as well as shared definitions and common concepts, building on relevant work at national and Union level.

- Promote and support mutual assistance, either in the form of peer-to-peer or group activities, as well as staff exchanges and secondment schemes between national authorities.
 - Promote the exchange and dissemination of experiences and good practices, including examples of cooperation between the relevant national authorities.
 - Develop sectoral and cross-sectoral training programmes, including for labour inspectorates, and dedicated training material, including through online learning methods.
- **Concerted or joint inspection** - ELA decides to initiate procedures under the workflow guidance to propose to Member States to undertake a CJI. ELA ensures that social partner organizations are informed about the progress and outcomes of the case.
 - **Risk analysis** - ELA offers its expertise to Member States. ELA shall, in cooperation with Member States and, where appropriate, the social partners, assess risks and carry out analyses regarding labour mobility and social security coordination across the Union. The risk assessment and analytical work shall address topics such as labour market imbalances, sector-specific challenges and recurring problems, and may also carry out focused in-depth analyses and studies to investigate specific issues. In carrying out its risk assessment and analytical work, ELA shall, to the extent possible, use relevant and current statistical data available from existing surveys, and ensure complementarity with, and draw on the expertise of Union agencies or services and of national authorities, agencies or services, including in the areas of fraud, exploitation, discrimination, skills forecasting and health and safety at work.

Figure 1. Workflow guidance for SPO at national level to bring cases to the attention of ELA



Explanatory Notes



Getting in touch with the European Labour Authority

By e-mail:

- by e-mail: EMPL-ELA-INSPECTIONS@ec.europa.eu
- Contact: <https://www.ela.europa.eu/contact.html>

Finding information about ELA

Online

Information about the European Labour Authority is available on the website:
<https://www.ela.europa.eu/index.html>

EU Publications

You can download or order free and priced EU publications from EU Bookshop at:
<http://bookshop.europa.eu>.

EU law and related documents

For access to legal information from the EU, including all EU law since 1951 in all the official language versions, go to EUR-Lex at: <http://eur-lex.europa.eu>



EUROPEAN LABOUR AUTHORITY