



European Platform tackling undeclared work Work Programme 2021-2022¹

1 CONTEXT

Background

Tackling undeclared work, as an important policy objective of the European Union, requires the contribution of a wide range of institutions, enforcement authorities and stakeholders, including social partners. The European Platform tackling undeclared work (hereafter the Platform) aims to enhance cooperation in tackling undeclared work in its different forms.

Since its creation in 2016, the Platform has successfully implemented two ambitious work programmes. It has brought together over 1450 stakeholders to cooperate on a wide range of critical issues, **expanding the knowledge** base and understanding of undeclared work. In these initial years of operation, the Platform has prioritised examination of **key sectors** affected by undeclared work including construction, agriculture, transport, etc. It has been a forum for exchanging on how to develop more effective methods of work including through risk assessment, data mining and information exchange. It has also **enhanced cooperation** between its members and observers through staff exchanges and mutual assistance projects, particularly in relation to strategic reform and cross-border inspections. Finally, a significant achievement for the Platform was the launch of the **first European campaign for declared work (#EU4FairWork)** in March 2020.²

These achievements have been possible through the **dedicated action and efforts of the Platform's members and observers**, consisting of over 50 representatives including ministries and enforcement authorities, cross-sectoral and sectoral social partners. The combination of activities and practical support has helped to develop capacity and knowledge alongside a culture of mutual trust and cooperation among its membership, providing a solid foundation for future work.

The Platform's work programme for 2021-2022 will be implemented in a difficult economic context. Caused by the **COVID-19 crisis**, a significant drop in GDP and rising unemployment will potentially impact the magnitude and forms of undeclared work. The transition of the Platform to the European Labour Authority (ELA) as a permanent working group by 1. August 2021 will provide new opportunities to address these challenges in a more integrated and comprehensive way.

Persisting and emerging challenges

Despite considerable policy action undertaken in recent years, undeclared work continues to affect European labour markets, with associated costs for workers, businesses and public budgets. New challenges are also emerging or accelerating. Undeclared work may take increasingly complex forms alongside the growth of flexible employment and atypical contracts, digitalisation, fragmentation of employment types and relationships, multiple

¹ Adopted by the Platform plenary in October 2020

² Further information on the Platform's prior work can be found on its dedicated webpage <https://ec.europa.eu/social/main.jsp?catId=1299&langId=en> and the European Commission Report on the implementation of Decision (EU) 2016/344 (COM/2020/129 final)

jobs (mixing standard with atypical forms), and new forms of work including platform work. This also applies in the cross-border context, where mobility and migration patterns are changing, employers operate in increasingly globalised and competitive markets, and cross-border online work is likely to become an important, permanent feature of intra-EU mobility.

The impacts and disruptions of COVID-19 (and possible future systemic crises) are also unfolding. The pandemic has brought to light many existing challenges in tackling undeclared work, as well as creating new ones. Labour markets and labour mobility have been widely disrupted, leaving undeclared workers particularly vulnerable. A new challenge for this work programme and the recovery period is to engage in mutual learning on, for instance, preventing declared work from shifting into the undeclared economy, whilst helping Platform members learn from each others' new working methods and strategic approaches in a different economic context.

The work programme will remain flexible with room for adjustments and modifications, should the need arise. The activities for 2021 have been proposed by Platform members in terms of the available tools, dates and current understanding of the priorities for the future work of the Platform as it stands in October 2020.

2 PROGRAMME OVERVIEW AND STRATEGIC PRIORITIES

One of the core innovations in the Platform's work to date has been an emerging consensus on the need to apply a **holistic approach to tackle undeclared work**, where national governments join up strategy and operations and cooperate with social partners and other stakeholders to employ the full range of direct and indirect policy measures. While steps have been taken to develop this approach, more can be done to operationalise these synergies into more effective outcomes.

For the period 2021-2022, the Platform has agreed **four strategic priorities**, with the aim that these will help increase the effectiveness of EU and Member State approaches to tackling undeclared work in a holistic way and increase awareness of issues related to undeclared work. The strategic priorities build on the previous work programme, with a fourth priority added around communication, reflecting a strong emphasis on increasing public awareness of issues relating to undeclared work, rights and obligations.

Each strategic priority and its activities are interlinked and reinforce each other. Synergies across activities are being strengthened, underpinned by new flexible learning formats that will allow deepening cooperation on practical challenges and implementation on specific issues. The holistic approach at a policy and operational level is also highlighted throughout this programme.

This work programme uses a wide range of tools, working and learning methods. Platform seminars and thematic review workshops are foreseen each year, with follow-up and study visits, staff exchanges, mutual assistance projects and a new tool 'dialogues for peer-learning' to help build capacity, cascade and operationalise approaches across Member States. Further tools to build knowledge include studies and toolkits while continued campaign and communication work will help to raise awareness regarding undeclared work. In addition, webinars have been strengthened as a learning format for the new work programme, partly to complement core activities, but also to facilitate regular contact, allow for shorter discussions on specific topics or to reach out to wider groups, including as a training module. An external service provider will facilitate the practical implementation of the tools.

Figure 1: Platform strategic priorities 2021-2022



This work programme aims to address a broad range of issues within the Platform, given undeclared work's holistic nature and the range of players involved. In particular, it includes the following issues:

- Different types of undeclared work: in the collaborative economy, undeclared work through the supply chain, cross-border undeclared work (including involving third country nationals), under-declared employment.
- Sectors-specific approaches: The main focus will be on HORECA, personal household services and seasonal work, for example in agriculture, while specific aspects including in the construction and transport sectors will be covered in broader activities.
- Cooperation and partnerships: cross border tools such as staff exchange, thematic/regional dialogues; cooperation between enforcement authorities and social partners at national, regional and local level.
- Performance management/innovation including digital tools: mutual assistance projects, efficient penalty measures, risk assessment, alert mechanisms, Key Performance Indicators, holistic approaches.
- Horizontal: COVID 19's impact, developing the evidence-base, communication and awareness raising
- Easing the transition to ELA by information activities and proposals for a cooperation.

The work programme will continue to be a mixture of demand-driven more operational activities, including communication and more forward-looking strategic learning and discussions on the basis on newly produced knowledge. The Platform will in the context of ELA develop a revamped collaborative workspace where representatives can exchange information of common interest and identify areas for cooperation and joint activity. The Platform's webpages and virtual library will be regularly updated and maintained with publications and information of wider interest to Platform stakeholders and the general public.

3 WORK PROGRAMME

The **draft** Work Programme for 2021-2022 is presented below.

| Platform tool | Description | Activities in 2021/2022 |
|---|---|---|
| Strategic Priority 1: Cooperation and joint activities | | |
| Staff exchanges and joint activities | Demand-driven staff exchange programme, helping to build deeper knowledge on a topic, practice or process or to prepare joint activities, such as joint inspections. | Call for applications in Q1 2021. Call for applications in Q1 2022. Four-day visits for up to 30 participants each year. |
| Mutual assistance projects | Demand-driven projects giving Platform representatives the opportunity to be counselled by peers in strategic areas. | Up to two MAPs each year, on request by Member States |
| Dialogues for peer learning and cross-border actions | Demand-driven approach supporting cooperation in a smaller setting around specific topics or in regional areas, or test new approaches and methods. | Call for expression of interest in Q1 2021. Call for expression of interest in Q1 2022. |
| Working group meetings | Giving Platform representatives an active role in shaping the network's activities. Working Group meetings provide a flexible way to accommodate Plenary requests or emerging needs. | 2021 <ul style="list-style-type: none"> - Enhancing synergies with the ELA Work Programme and working methods - Tackling undeclared work related to mobility of third country nationals (<i>specific focus to be proposed during Q1 2021 plenary meeting</i>) - <i>Third WG under Strategic Priority 4: Communication and information</i> 2022 <ul style="list-style-type: none"> - Alert mechanisms to identify undeclared work at an early stage - Additional topics following needs |
| Plenary meetings | The Plenary meetings will combine thematic discussions on a dedicated topic, followed by regular up-dates on key developments at national and European levels impacting on the Platform and its work. | Two Plenary meetings per year <ul style="list-style-type: none"> - 24-25 March 2021: Third-country migration and undeclared work - October 2021: COVID 19's impact on enforcement authorities' work and priorities - March 2022: Operationalising holistic approaches to tackling undeclared work - October 2022: Measuring the effectiveness of policy approaches and performance of enforcement authorities |

| Platform tool | Description | Activities in 2021/2022 |
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| Strategic Priority 2: Mutual learning | | |
| Seminars | Platform seminars contribute to exploring specific thematic issues and emerging practices, as well as key sectors affected by undeclared work. | 2021 <ul style="list-style-type: none"> - Seasonal (including mobile) workers: developments, trends and good practices tackling undeclared work (Q1) - Tackling undeclared work in the HORECA sector (Q2) or (Q3) 2022 <ul style="list-style-type: none"> - Tackling undeclared work in the care and personal and household services sectors (Q1) - Tackling undeclared work in supply chains (including in construction) (Q3) |
| Webinars and Training webinar | Webinars can be used as stand-alone or as a complementary activity to other activities | 2021 <ul style="list-style-type: none"> - Learning more about ELA: Its regulation, governance, work programme, programming (Q2) - COVID 19: combatting fraud in short-term financial support schemes (Q2) 2022 <ul style="list-style-type: none"> - Training webinar: Wider dissemination of lessons learned from Thematic Review 'Successful approaches of cooperation between labour inspectorates and social partners'(Q1) - Developing a common assessment framework for measuring the progress of Member States towards a holistic approach (Q4) |
| Thematic review workshops | Thematic Review Workshops aim to support Platform representatives in improving their efficiency through more in-depth mutual learning and problem-solving. | 2021 <ul style="list-style-type: none"> - Undeclared work in the collaborative economy (Q2) – <i>following up from plenary Q4 2020</i> - Successful approaches of cooperation between labour inspectorates and social partners (Q3) 2022 <ul style="list-style-type: none"> - Effective penalty measures for tackling undeclared work, including through cost effective administrative actions (Q1) - Preventing under-declared employment through innovative approaches (Q4) |
| Follow-up and study visits | Enable a smaller group of representatives to explore a topic in more detail. They can be organised following a thematic review workshop or upon request. | Up to three follow-up and study visits each year Demand-based |

| Platform tool | Description | Activities in 2021/2022 |
|---|---|--|
| Strategic Priority 3: Increasing knowledge | | |
| Studies | Studies help research new areas and build the knowledge base of the Platform. | <p>2021</p> <ul style="list-style-type: none"> - Different forms of cross-border undeclared work, including through third country nationals (Q2) - Care and personal and household services sectors (Q3) – <i>linked to seminar Q1 2022</i> - Analysing and developing the evidence base of the effectiveness of interventions tackling undeclared work (Q4) – <i>linked to plenary Q4 2022</i> <p>2022</p> <ul style="list-style-type: none"> - Survey based on common assessment framework to measure progress of inspectorates towards a holistic approach (Q1) – <i>Linked to plenary Q1</i> - Developing KPIs measuring the effectiveness of labour inspectorates (Q2) – <i>linked to plenary Q4 2022</i> - Study on the extent of undeclared work in the EU (Q4) |
| Toolkits/ handbooks | Toolkits provide practical, hands-on guidance based on accumulated evidence from previous events such as thematic review workshops, papers and good practice results. | <p>2021</p> <ul style="list-style-type: none"> - Toolkit related to providing information to workers about their rights and how to denounce abuse (<i>linked to awareness raising campaign</i>) <p>Plus from Thematic Review workshops</p> |
| Country fiches | Fiches providing an overview of key forms of undeclared work, challenges and institutional features | <p>2022</p> <ul style="list-style-type: none"> - Update of country fiches – <i>linked to study on extent of undeclared work</i> |

| Platform tool | Description | Activities in 2021/2022 |
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| Strategic Priority 4: Communication and information | | |
| Working Group | | 2021 - One Working Group meeting to 1) define follow-up campaign to #EU4FairWork 2) develop proposals for enhancing Platform's internal and external communication, in the context of ELA |
| Campaign(s) | Awareness-raising campaign: format, duration, target group and scope to be proposed by Working Group | To be decided by plenary based on Working Group's proposals |
| Good practice fiches - lessons from different countries | Fiches will showcase effective practices in different countries and covering various topics, building on examples from events, studies and other activities. | 20 fiches each year covering various topics |
| Electronic newsletters | Newsletters contain recent information relating to undeclared work, its wider policy context and the activities and results of the European Platform and its member organisations. | Up to four newsletters each year |
| Biennial report | Biennial report summarising activities and results of the Platform's work. | Biennial report in 2022 as an input to ELA reporting |

4 NETWORK GOVERNANCE

Integration of the Platform within ELA

Decision (EU) 2016/344 establishing the Platform remains in force until ELA becomes operational with the capacity to implement its own budget by 1 August 2021. Until then the governance of the Platform remains unchanged; the functioning of the Platform as permanent working group within ELA will be governed by specific rules of procedure.

After the adoption by the Platform plenary in October 2020, the Platform Work Programme 2021-2022 will be subject to endorsement by the ELA Management Board, by means of an amendment to the ELA Work Programme 2021 and take effect when ELA becomes operational, by 1 August 2021.

The Platform's integration into ELA provides an important opportunity to address the existing and newly emerging challenges linked to undeclared work in a more comprehensive way. The Platform's original objectives, missions and activities³ have been largely reiterated in the Regulation establishing ELA⁴ (Article 12 and Annex). The thematic priorities of this work programme have been carefully designed to facilitate a smooth transfer and to ensure priorities are aligned.

While business continuity and preservation of the Platform's successful working method is envisaged and a shared objective, synergies with other parts of the ELA work programme, for instance, related to capacity building, data exchange, inspections and communication will be essential. An alignment of the operational planning of the different activities under the ELA umbrella will be developed as priority and should at the latest be available for the second year of this work programme. Once the Platform has been transferred to ELA, its annual and multi-annual programming will be fully integrated in the Authority's programming cycle.

Participation in activities

All members and observers can participate in all activities within the limits set by the rules of procedures and learning formats, in particular the thematic reviews, follow-up visits and mutual assistance for which a maximum number of participants have been defined. Within a period of several years all Platform members/observers should have the possibility to participate in all learning formats on an equal basis. For specific learning events a mix of basic learners and advanced learners should be envisaged.

Wider cooperation

The Platform will continue to cooperate with the European Labour Authority in the run up to its establishment as a permanent working group within ELA, as well as with the Senior Labour Inspectors Committee, the Expert Committee on Posting of Workers⁵, the Administrative Commission for Social Security Coordination, the Public Employment Services Network, EMCO, SPC and the Working Group on Administrative Cooperation in the field of Direct Taxation. It will regularly exchange information about its work and strategic priorities and will involve them on case-by-case in relevant activities. Social partners' organisations, for example from sectors currently not represented in the Platform, and other stakeholders may be invited to specific activities, provided that their contributions provide an added value.

Monitoring activities and impact

Monitoring, evaluation and regular feedback are necessary to allow the Platform Plenary to steer the choice of activities and report on results. A monitoring system consisting of quantitative and qualitative elements will be used. A short survey in Q3 of 2021 and 2022 will ask Platform members about their general satisfaction with the results of the Platform, involvement in activities, results achieved and recommendations for improvements.

³ Decision (EU) 2016/344

⁴ Regulation (EU) 2019/1149

⁵ The Expert Committee on Posting of Workers (ECPW) remains in charge until it ceases to exist at the time when ELA becomes operational on 1 August 2021