



## European Platform tackling undeclared work

### Network Teams –specialised teams of labour inspectors with expertise in cross-border employment and the posting of workers

Belgium

	<p><b>Summary</b></p> <p>In 2006 the Inspectorate of the Federal Public Service of Social Security (integrated into the National Social Security Office in 2017) created specialised teams of inspectors (Network Teams) to tackle social dumping, unfair competition practices and under-declared work resulting from an increase in cross border employment and posting of workers. The Social information and Investigation Service (SIIS) is an umbrella organisation that coordinates different inspectorates to tackle social fraud and social dumping within the areas of cross-border employment and the posting of workers.</p>
<p><b>Title of the practice in original language</b></p>	<p><i>Netwerk/Réseau</i> <i>GOT/Transfrontalier</i></p>
<p><b>Name(s) of authorities/bodies/organisations involved</b></p>	<ul style="list-style-type: none"> <li>• National Social Security Office;</li> <li>• Social Information and Investigation Service (SIIS).</li> </ul>
<p><b>Sectors</b></p>	<p>All</p>
<p><b>Target groups</b></p>	<ul style="list-style-type: none"> <li>• Labour inspectors (directly targeted);</li> <li>• Social inspectors (directly targeted);</li> <li>• Companies posting workers (indirectly targeted);</li> <li>• Posted workers (indirectly targeted);</li> <li>• Belgian companies who create foreign companies to post workers to Belgium (indirectly targeted).</li> </ul>
<p><b>Purpose of measure</b></p>	<p>Deterrence: improve detection</p>

	<p><b>Aims and objectives</b></p> <p>The specialised teams tackle cross border undeclared work by developing specialised competences through on-the-job learning. The inspectors use datamining to search for targets where there is a risk of undeclared work. The measure also aims to tackle social dumping, unfair competition and implement the correct applicable</p>
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	<p>legislation. SIIS also follows up and monitors the results of the collaborating inspectorates. It reports to the government.</p>
<p><b>Background context</b></p>	<p>The Inspectorate of the Federal Public Service of Social Security detected increasing numbers of violations of posting conditions. Workers were posted to Belgium by letterbox companies, sometimes created by Belgian companies. Different company constructions were set up to avoid paying Belgian social security contributions, with posted workers in Belgium sometimes working in poor conditions.</p> <p>The Inspectorate created specialised teams in 2006 to improve the detection and the tackling of violations on posting conditions, and set up contacts with the equivalent European governments to receive more information about the foreign company and to determine the applicable legislation.</p> <p>The National Social Security Office set up a system of datamining in order to detect targets with a risk of engaging in undeclared work. The list of targets was given to the Inspectorate.</p> <p>Since 2013 the Belgian government launched a plan to tackle abuses in the posting of workers and self-employed persons. The SIIS was given a leading role in this process in order to intensify the cooperation between the specialised cells.</p>
<p><b>Key objectives of the measure</b></p>	<p><b>General objective:</b></p> <p>To effectively tackle undeclared work resulting from the abuse of posting of workers, such as, posting workers without respecting the posting conditions, posting by using falsified documents, avoidance of paying social contributions and other forms of cross-border employment.</p> <p><b>Specific objectives:</b></p> <ul style="list-style-type: none"> <li>• To raise awareness of the rights of foreign workers;</li> <li>• To ensure the worker is subjected to the correct applicable legislation scheme;</li> <li>• To ensure the correct social contributions are paid;</li> <li>• To tackle cross border social fraud;</li> <li>• To reduce unfair competition.</li> </ul>
<p><b>Main activities</b></p>	<p>The Inspectorate of the NSSO set up specialised teams of social inspectors with expertise in cross-border employment and the posting of workers. Key characteristics include:</p>



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- There are 10 teams in the field, 11 team leaders and 40 social inspectors (approximately 10% of the total number of inspectors employed by the NSSO Inspectorate). There is also a central team to enhance the contacts with other European authorities;
- Specialisation of inspectors occurs through a learn-by-doing approach. Inspectors from the specialised teams are assigned to investigate cross-border employment cases, and use a tailored methodology which includes:
  - A set of possible scenarios/violations with a procedure to investigate the case further;
  - A collection of materials that can be used by the Network team, such as model-letters to other countries, questionnaires for workers;
  - The inspectors can make use of lists of possible targets that are detected by datamining;
  - A central team contacts other European authorities in order to determine the applicable legislation.
- The work of the inspectors is closely supervised by team leaders who in turn report to advisors. This ensures that the investigation methodology is applied consistently throughout operations. Advisors and the team leaders also have responsibility for ensuring that team members are informed in a timely manner of any changes in the rules (new legislation, court rulings etc.);
- Synergies: all regular inspectors receive training on the methodology used to investigate cross-border cases and the relevant up-to-date legislation. This helps to ensure that all inspectors are equipped to identify related potential violations in their regular work, and refer them on to the Network team;
- Coordination: cooperation with counterparts in neighbouring countries happens mostly by regular meeting with the inspectors in those countries. In the case of Benelux or France-Belgium cooperation, joint inspections are also organised;
- The SIIS draws up an annual action plan to combat social fraud and social dumping. It takes part in the different cooperative activities between European inspectorates e.g. it receives European delegations in order to exchange good practices between the inspectorates in Europe. It reports on the monitoring



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	of the fight against social fraud to the Secretary of State.
<b>Funding/organisational resources</b>	<p>The budget of the Inspectorate is part the budget of the National Social Security Office. The Inspectorate is one of seven General Directories.</p> <p>The inspectors are specifically recruited to be part of the specialised teams. The budget of the SIIS is a part of the budget of a different Federal Public Services.</p>

	<p><b>Outcomes</b></p> <p>The Network team conducted effective and complex cross-border investigations which detected a high amount of undeclared and under-declared work. Full digitalisation of investigative tools is expected to increase efficiency in the longer-term.</p>
<b>Achievement of objectives</b>	<p>In 2018 the specialised teams were responsible for the following:</p> <ul style="list-style-type: none"> <li>• Investigating 1 800 cases;</li> <li>• Detecting about EUR 20 million of unpaid social contributions which reflects about EUR 44 million of wages that were not declared to the Belgian social security.</li> </ul> <p>In 2018 the SIIS continued to coordinate inspections and cooperation on a national and international level.</p>
<b>Lessons learnt and success factors</b>	<ul style="list-style-type: none"> <li>• A key challenge for the Network teams is to adapt their methods and equipment (in terms of competences and tools) to address fast changing and increasingly more sophisticated fraud systems.</li> <li>• In this regard, the greatest challenge is to digitalise investigation tools in order to be able to capture and analyse electronic data.</li> <li>• Cooperation between different inspectorates on several levels is essential to achieve good results in the fight against abuses in the posting of workers and bogus self-employment.</li> </ul>
<b>Transferability</b>	<p>An important factor for the successful set-up of Network teams is a strong political will to tackle the issue of undeclared work resulting from cross-border employment. This would require support to undertake the institutional re-organisation to create the specialised teams, and the provision of resources to implement their mandate effectively.</p>



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	<p>Furthermore, the work of specialised teams is likely to have a higher impact if it takes place in an established framework of cross-border cooperation. Ideally, similar teams would be established within the labour authorities of partner countries as well.</p> <p>The fight against abuses in the posting of workers and self-employed persons is a necessity to ensure fair competition between employers and employees.</p>
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<b>Further information</b>	
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<b>Useful sources and resources</b>	<p><b>Federal Public Employment Labour and Social Dialogue website</b> <a href="http://www.werk.belgie.be/home.aspx">http://www.werk.belgie.be/home.aspx</a></p> <p><b>National Social Security Office website</b> <a href="http://www.nssso.be">www.nssso.be</a></p> <p><b>Social Information and Investigation Service website</b> <a href="http://www.siod.belgie.be">www.siod.belgie.be</a>; <a href="http://www.sirs.belgique.be">www.sirs.belgique.be</a></p>