




European Platform
tackling undeclared work

**Joint inspections to tackle organised social dumping
in the construction sector**

Belgium

	<p>Summary</p> <p>Joint inspections were carried out against a criminal organisation from Romania conducting social dumping in the construction sector in Belgium. This involved a range of enforcement authorities and other organisations in both countries which required close cooperation and collaborative working approaches. The success of the inspections is due to the good working relationships developed over time among the authorities.</p>
<p>Title of the practice in original language</p>	<p><i>Inspections conjointes pour lutter contre le dumping social organisé dans le secteur de la construction/ Gezamenlijke inspecties om georganiseerde sociale dumping in de bouwsector aan te pakken</i></p>
<p>Name(s) of authorities/bodies/ organisations involved</p>	<p>Belgium:</p> <ul style="list-style-type: none"> • The Labour Prosecutor (<i>Auditeur du travail/Arbeidsauditeur</i>) ; • The Federal Prosecutor (<i>Parquet federal/ Federaal parket</i>); • An investigative judge; • The Federal Police ; • The Social Security Inspection (<i>Services d'inspection/Inspectiediensten</i>); • The Labour inspection (<i>Inspection du travail/Arbeidsinspectie</i>) ; • Eurojust. <p>Romania:</p> <ul style="list-style-type: none"> • The public prosecutor (<i>Procuror</i>); • The Directorate for Investigating Organized Crime and Terrorism (<i>Direcția de Investigare a Infraacțiunilor de Criminalitate Organizată și Terorism</i>); • A Judge of rights and liberties; • The police; • Eurojust.
<p>Sectors</p>	<p>Construction and woodworking</p>



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Target groups	<ul style="list-style-type: none"> • Letterbox companies registered in Romania and operating in Belgium (directly targeted); • Employees wrongfully posted in Belgium (indirectly targeted).
Purpose of measure	Deterrence: improve detection

	<p>Aims and objectives</p> <p>The joint inspections aimed at detecting letterbox companies in the construction sector based in Romania. Social inspectors, the police, prosecutors, judges and translators from both Belgium and Romania contributed to the inspections.</p>
Background context	<p>Several letterbox companies, run from Belgium, were created in Romania in order to post employees to Belgium and evade the contributions to the Belgian social security system. This illicit posting of employees was disguised by a complex network of individuals based in both Romania and Belgium.</p> <p>Along with poor quality housing conditions, concerns were raised that employees were not receiving the correct pay and social security obligations to which they were entitled under Belgian law.</p> <p>Since it was discovered in 2016, the cases have been ongoing, due to their complexity. Joint inspections have been carried out to further investigate the situation.</p>
Key objectives of the measure	<p>General Objective:</p> <ul style="list-style-type: none"> • To combat the use of undeclared work and social dumping in the construction sector by improving the detection of letterbox companies. <p>Specific Objectives:</p> <ul style="list-style-type: none"> • Carry out joint inspections to detect letterbox companies in Romania that are run in Belgium.
Main activities	<ul style="list-style-type: none"> • Exchange of information between the different authorities, first at administrative level, then through the judicial authorities. • Concerted actions were carried out in Romania and Belgium, including: <ul style="list-style-type: none"> ○ Hearings of workers and suspects; ○ 17 searches in different suspects' houses in Belgium (West Flanders);



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	<ul style="list-style-type: none"> ○ 9 house searches in Romania. ○ Searches of the registered office address of the companies; ○ Confiscations; ○ Digital information research.
Funding/organisational resources	The organisational resources used for carrying out this practice are included in the resources allocated to the regular work of the organisations involved. In terms of human resources, social inspectors, police, prosecutors, judges, translators worked on joint inspections.

	<p>Outcomes</p> <p>While the investigation is still ongoing, and cases are yet to be brought to formal prosecution due to its complexity, the joint inspection has highlighted that close collaboration between authorities can maximise efficiencies of investigations of complex networks. It has created a good dialogue between the countries involved and paves a path for future successful investigations of a similar nature.</p>
Achievement of objectives	<p>Information and evidence were gathered. There is a general satisfaction with the progress of the investigation and the expected outcome is the conviction of the suspects and the recovery of illegal assets.</p> <p>Furthermore, the close working relationship that has developed between the enforcement authorities and other organisations involved in this case has developed a strong basis for further work of this nature. Relevant authorities are now known to each other and data exchange has taken place to further enhance synergies among the participating organisations and maximise resource efficiencies.</p>
Lessons learnt and success factors	<p>The success factors include:</p> <ul style="list-style-type: none"> • The permanent structure of cooperation between the organisations involved. <p>The lessons learnt include:</p> <ul style="list-style-type: none"> • Taking action in such complex cases is only possible when there is a very close cooperation with the judicial authorities of the other country.
Transferability	In order to transfer the practice and carry out joint inspections, it is important that the national authorities



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	involved work closely together, in order to develop a good cooperation.
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Further information	
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Useful sources and resources	Press releases Belgian Federal prosecutor, 14 June 2018 https://www.om-mp.be/fr/votre-mp/parquet-federal/press-release