





European Platform Undeclared Work

Joint inspection with Portugal on tackling undeclared work on fishing vessels and compliance with the Maritime Labour Convention

Spain


	<p>Summary</p> <p>The labour inspectorates in Portugal and Spain, in conjunction with maritime and fishing authorities, cooperated to organise joint inspections of fishing vessels for the purpose of detecting undeclared work and illegal workers. Two different types of control are performed:</p> <ul style="list-style-type: none"> • Specific undeclared work controls in the fishing sector; • Maritime Labour Convention (MLC) controls in the merchant marine sector.
<p>Name(s) of authorities/bodies/organisations involved</p>	<ul style="list-style-type: none"> • The Spanish Labour and Social Security Inspectorate (<i>Inspección de Trabajo y Seguridad Social - ITSS</i>); • The Portuguese Labour Inspectorate (<i>Autoridade para as Condições de Trabalho - ACT</i>); • The National Maritime Authority of Spain (<i>Autoridade Marítima Nacional - AMN</i>); • Portuguese Directorate General for Natural Resources, Safety and Maritime Services (<i>Direção-Geral de Recursos Naturais, Segurança e Serviços Marítimos - DGRM</i>); • General Secretariat of Fisheries of Spain (<i>Secretaria General de Pesca</i>); • Local port authorities; • Local police forces.
<p>Sectors</p>	<p>Agriculture and fishing</p>
<p>Target groups</p>	<ul style="list-style-type: none"> • Employers (directly targeted); • Workers involved in undeclared work (directly targeted).
<p>Purpose of measure</p>	<p>Deterrence: improve detection</p>



	Aims and objectives <p>The aim of the joint inspection activities was to detect undeclared work and illegal workers onboard Spanish fishing vessels, and to stem the increase in irregularities relating to working conditions and employment contracts.</p>
Background context	<p>The border between Portugal and Spain has been characterised by a high level of cross-border movement of workers. Labour inspectorates in both countries have observed an increase in irregularities relating to people in the fishing industry working without an employment contract. In order to combat these developments, the Portuguese and Spanish labour inspectorates embarked upon cooperation activities.</p> <p>The first agreement between the Portuguese and Spanish labour inspectorates was signed in 2003. A Memorandum of Cooperation was signed in 2017.</p>
Key objectives of the measure	<p>The objectives of the joint inspections were to develop cooperation and information sharing between the Portuguese and Spanish authorities, and to identify undeclared workers on board fishing vessels.</p>
Main activities	<p>Cooperation is managed through a Joint Steering Committee, composed of representatives of both countries, which meets once a year. Designated individuals, referred to as 'focal' points, were nominated to ensure effective communication and coordination.</p> <p>There is a clear procedure for planning a joint inspection which involves joint planning by the Steering Committee and a request submitted via the 'focal' points. If violations are detected, then the relevant prosecutors' office is informed.</p> <p>Joint inspection activities carried out in 2016-18 involved the following:</p> <ul style="list-style-type: none">• Communication between the authorities involved;• Joint briefing - planning and agreeing how the inspection will be undertaken as well as sharing relevant information (including time schedules, cargo and crew on board);• Workplace visits - verifying the identities of all workers, with the support of the Maritime Police and the Port Authorities to make contact with the vessels; and checking occupational health and safety conditions. <p>In the last three years, three joint inspections in the fishing and merchant marine sectors have taken place:</p>



	<ul style="list-style-type: none"> • Merchant marine sector: a pre-arranged visit to the Port of Fines in Portugal to certify vessels according to the Maritime Labor Convention, which had the broad purpose of upholding workers' rights and checking on social security registrations (2018); • Fishing sector: unannounced visits to the Port of Peniche in Portugal (2017) and Port of Vigo in Spain (2017) which focused on detecting undeclared work; • Fishing sector: unannounced visit at the Port of Peniche (2016) which also focused on undeclared work.
<p>Funding/organisational resources</p>	<p>The financial resources required for joint inspections are mostly covered within the standard operational budgets of the authorities involved. However, there were additional resources for Labour Inspectorate staff to travel to the inspection sites and daily subsistence. Costs were not very high due to the proximity of both countries and the ability to understand each other in Portuguese and Spanish.</p>

	<p>Outcomes</p> <p>The three joint inspections have led to the identification of illegal employment of third country nationals. Without the cross-border cooperation to conduct inspections of fishing vessels these inspections would not have been possible.</p>
<p>Achievement of objectives</p>	<ul style="list-style-type: none"> • The 2018 inspection under the MLC led to the verification of the fulfilment of the MLC standards. • The inspection of vessels in Portugal and Spain led to 19 workers without a work permit being reported to the Prosecutors Office (2017). • The inspection at a port in Portugal led to 12 workers without a work permit being reported to the Prosecutors Office (2016). <p>The cooperation was necessary to conduct inspections of fishing vessels; it would not be possible otherwise. It allowed to overcome legal constraints and to carry out the monitoring of vessels of national registry that operate in other European ports</p>
<p>Lessons learnt and success factors</p>	<p>Key lessons and success factors are as follows:</p> <ul style="list-style-type: none"> • Authorities must understand each other's procedures and protocols, as well as staff roles; • Flexibility on timing of the inspection is important as movements of vessels can be unpredictable; • Inspections rely on good information about potential violations (e.g. complaints);



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	<ul style="list-style-type: none">• Whilst unannounced inspections are effective, they require particularly careful planning and swift execution.
Transferability	Success may depend upon cross-border proximity of local authorities. These joint inspections were successful and relatively low-cost to implement because of the proximity of labour inspectorates around the border between Portugal and Spain.

Further information	
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