



Good practice fiche

Title of the policy or measure (in English)	Agreement for exchange of information and cooperation between the Portuguese Labour Inspectorate (ACT) and the Spanish Labour and Social Security Inspectorate (ITSS)
Case study/good practice name	Agreement for exchange of information and cooperation between the Portuguese Labour Inspectorate (ACT) and the Spanish Labour and Social Security Inspectorate (ITSS)
Country	Portugal and Spain
Sectors	All sectors
Target groups	Staff of the ACT and ITSS
Type of measure	Prevention Deterrence: improve detection
Short sentence summarising the measure	The first exchange of information and cooperation agreement between the Portuguese and Spanish Labour Inspectorate was signed in 2003. The agreement provides for several areas of cooperation including occupational risk prevention, identification and sanction proceedings against registered companies, and monitoring of cross-border movement of third-country nationals. The scope of the cooperation agreement was subsequently expanded, leading to several inter-ministerial agreements (i.e. memoranda of cooperation and technical assistance). These memoranda were signed between the Portuguese Ministry of Labour, Solidarity and Social Security and the Spanish Ministry of Employment and Social Security and the Ministry of Health, Social Services and Equality in 2012, 2013, 2014, and 2015.
Background	
<ul style="list-style-type: none">Background context driving the implementation of the measure	The border between Portugal and Spain has always been characterised by a high level of cross-border movement of workers. Both Labour Inspectorates have observed an increase in irregularities relating to working conditions, including occupational health and safety, and security and working hours. In order to combat these developments the Portuguese and Spanish Labour Inspectorates joined forces in an attempt to improve the working conditions of Portuguese workers in Spain and vice versa.
<ul style="list-style-type: none">When was the measure implemented? (including start date and end date/ongoing)	October 2003 – ongoing
<ul style="list-style-type: none">Names(s) of authorities/bodies/organisations involved	The Portuguese Labour Inspectorate (Autoridade para as Condições de Trabalho) (ACT) The Spanish Labour and Social Security Inspectorate (Inspección de Trabajo y Seguridad Social) (ITSS)

<ul style="list-style-type: none"> • Scope of the measure (a pilot project, nationwide, regional wide) 	International cross-border exchange of information and cooperation
<ul style="list-style-type: none"> • Type of (policy) measure 	Exchange of information and cooperation agreement
<p>Key objectives of the measure</p>	<p>The general objectives include:</p> <ul style="list-style-type: none"> • To facilitate the cooperation and exchange of information on worker flows and posted workers (occupational safety and health conditions, infringements, work-related accidents, undeclared work, etc) <p>The specific objectives include:</p> <ul style="list-style-type: none"> • To promote and protect workers' rights • To improve working conditions
<p>Specific measure</p>	<p>The agreement for exchange of information and cooperation between the Portuguese and Spanish Labour Inspectorates was signed in 2003. The agreement sets out the operational areas of information exchange and cooperation. The agreement between the two authorities regarding Portuguese and Spanish companies and workers operating and working in each other's respective territories includes:</p> <ul style="list-style-type: none"> • exchanging information on health and safety at work; • notifying the neighbouring authority of work-related accidents; • conducting authorised visits to companies operating in the neighbouring country (the team normally consists of one representative from the central authority and two from the regional authorities from each country • the number may vary depending on the subject of the visit, the local workplace conditions and the expected number of workers in the workplace); • sharing of documentation relating to founding documents of the company; • sanctioning legal infringements; • exchanging information on the cross-border movement of workers such as posted and seasonal workers; • implementing information campaigns on occupational health and safety. <p>Information is exchanged between the Portuguese and Spanish Labour Inspectorates on a daily basis via different channels, including email and telephone. When authorised visits are performed, the operational procedures followed are those of the labour inspectorate which holds the territorial competence. The visiting labour inspectors provide additional documentation and interpretation if needed during the visit. A detailed technical handbook (Vademecum 2005) was developed to support the work of the Spanish Labour Inspectorate. The technical handbook outlines the relevant legal provisions and regulations that Portuguese companies must comply with.</p> <p>To monitor the impact of the bilateral agreement, a joint monitoring Committee meets once a year to plan the cooperation activities for the next year. Cooperation activities include, for example, cross-border campaigns such as the Iberian campaign to prevent work accidents (2016/2017). Previous</p>
<ul style="list-style-type: none"> • Description of how the measure operates in practice 	

	campaigns included a campaign on preventing work equipment injuries and machinery accidents at work (2015/2016).
<ul style="list-style-type: none"> Which groups are targeted by the measure? 	<ul style="list-style-type: none"> Labour inspectors (direct) Portuguese and Spanish companies and workers (indirect)
<ul style="list-style-type: none"> What resources and other relevant organisational aspects are involved? 	<ul style="list-style-type: none"> The primary institutions involved in the agreement are: Portuguese Labour Inspectorate (ACT); and Spanish Labour and Social Security Inspectorate (ITSS) and, in particular, local branches in both countries which encompass border areas as part of their jurisdictions.
<ul style="list-style-type: none"> What are the source(s) of funding? 	National funding
Evaluation and outcome	
<ul style="list-style-type: none"> Has the measure achieved its objectives? 	Based on the qualitative feedback received by both parties, the measure has achieved its objectives of facilitating information exchange and cooperation. However, the lack of performance indicators to measure the impact, outputs and outcomes has made it difficult to measure achievements on a quantitative basis.
<ul style="list-style-type: none"> Assessment method (including indicators used to measure its impact), and the outputs and outcomes achieved 	There is currently no formalised system in place to measure the impact, the outputs, and the achieved outcomes.
<ul style="list-style-type: none"> What are lessons learnt and the key conditions for success? 	<p>One of the key lessons learnt is the need to develop a formalised approach to measure the impact, outputs and outcomes.</p> <p>The key condition which has ensured the success of this measure is the strong communication link between both authorities, not only between the directorate of both labour inspectorates, but also between the local branch managers of the contiguous areas of jurisdiction on each side of the border, which often communicate formally and informally with each other.</p>
<ul style="list-style-type: none"> Level of transferability (e.g. other countries/groups/sectors) 	Despite the specific context of the cross-border movement of workers between Portugal and Spain, the exchange of information and cooperation agreement has a high level of transferability. Aspects such as building inter-institutional channels of communication to facilitate exchange of information and cooperation can be applied in other national contexts.
Additional information	
Contacts	António J. Robalo dos Santos (ACT) Email: antonio.santos@act.gov.pt
Sources	<ul style="list-style-type: none"> Interview with António J. Robalo dos Santos (ACT) Agreement for the exchange of information and cooperation between the Portuguese Labour Inspectorate (ACT) and the Spanish Labour and Social Security Inspectorate (ITSS) (http://www.act.gov.pt/(pt-PT)/SobreACT/RelacoesInternacionais/Cooperacaobilateral/Paginas/default.aspx)
Metadata and key words for online search	Portugal; Spain; agreement for the exchange of information and cooperation; cross-border movement of workers; working conditions; occupational health and safety;