

# European Platform Tackling Undeclared Work

Thematic Review Workshop: “Cross-border concerted and joint inspections”  
28 February – 1 March 2019, Lisbon, Portugal

The aim of the workshop was to share knowledge and experiences amongst members of the European Platform Tackling Undeclared Work in relation to one specific component of cross-border activities: concerted and joint inspections. Concerted (or parallel) inspections are undertaken by two or more authorities simultaneously in their own territory, and joint inspections are undertaken in one territory with participation of one or more other countries.

The workshop was the first stage in a larger mutual learning process among Platform members and observers about cross-border inspections and will lead to further opportunities for exchange and collaboration, notably through the development of a toolkit and follow-up visit. The workshop brought together participants from 22 countries, including representatives of national ministries, labour inspectorates, regional administrative agencies and tax authorities. The event was hosted by the Authority for Working Conditions (ACT - Autoridade para as Condições de Trabalho).

The 1.5-day programme was in three parts: 1) setting up cross-border concerted and joint inspections; 2) working together and improving collaboration; and 3) following up on the results from cross-border concerted and joint inspections.

The following key messages were identified at the workshop:

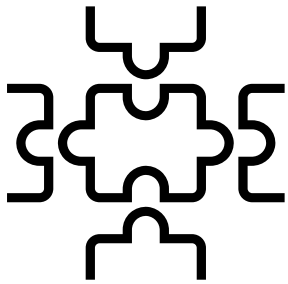
## The state of play of cross-border inspections



- ▶ Growing intra-EU mobility is contributing to the prevalence of cross-border undeclared work including through bogus self-employment, letterbox companies, seasonal UDW and bogus temporary work agencies. This highlights the need for increased cross-border action and inspections.
- ▶ Cross-border inspections are only one part of part of cross-border activities, which also include – staff exchange, information exchange within bilateral agreements (BAs) and through the Internal Market Information System (IMI), etc.
- ▶ Cross-border joint or concerted inspections are currently often organised on an ad hoc basis. There are also capacity constraints due to limited resources and increased cross-border information requests (for example via the IMI). A more strategic approach is required to selecting cases.
- ▶ Cross-border cooperation should operate on a sound legal basis, hence there is a need to clarify the legal role of visiting inspectors in several countries.



## Setting up cross-border concerted and joint inspections



- ▶ One of the main drivers for cross-border inspections is a will to cooperate. Political support is crucial to ensure cooperation to address UDW at the national and international level, and to ensure inspectors can operate effectively. In this regard skills and competencies of inspectors are crucial elements for successful implementation.
- ▶ Contacts via IMI, bilateral agreements or personal contact are a first step to set up cross-border inspections. Regular contact or BAs are helpful to allow staff to get to know more about the competences of the other inspectorate and to establish trust to exchange information and receive feedback. However, to formalise cooperation between countries who do not yet cooperate, a 'who's who' list of responsible authorities, their competences and legal requirements during inspections would be very useful.

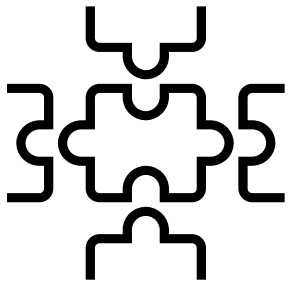
## Working together and improving collaboration



- ▶ On a practical level, national and cross-border information exchanges are needed to implement inspections. At national level, it is useful to combine information from different authorities (police / prosecution) and social partners or to turn to EU-level bodies such as Europol or Eurojust for EU-wide data.
- ▶ During joint inspections several tools can be used: multilingual questionnaires (legally accepted in both countries and standardised with typical questions); tablets or phones for translation; language inspectors (possibly have a EU-level list of experts to request/"borrow" for each investigation); access to the latest company data in social security/tax/business registers and handbooks that outline legislation and the targets for inspections. This latter document can be tailored on a case by case basis (the Benelux countries have an example of a handbook).
- ▶ This should go alongside training and exchanges for inspectors, so they can work in a cross-border context and are aware of the benefits and need to do so.



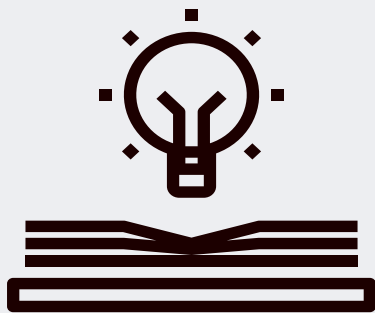
## Following up on the results from cross-border concerted and joint inspections



- ▶ The results of cross-border inspections can be used for prosecutions depending on the legal status of evidence gathered during the inspections.
- ▶ Results can also be used to scale-up inspection efforts. Within organisations, results can be used to inspire colleagues, increase capacity building, to develop preventative measures and to fine-tune risk-assessments. Results can be used to showcase efforts outside of the organisation, to the public (for example a joint press release in the Netherlands and Belgium), inform other authorities or even to push for legal amendments.
- ▶ Follow-up tends to remain limited. In planning follow-up activities, Platform members reiterated the need for understanding the type of information which is available in each country (registers, databases, statistics etc) to avoid sending too many requests for information. They suggested a common questionnaire could be developed, asking for statistical input from both countries involved in the cross-border cooperation.

## Recommendations from the workshop

As proposed by the participants the following key recommendations emerged from the discussions:



- ▶ **Develop a national strategy for cross-border activities, ensure appropriate internal capacity and staff resources and develop strategies for identifying targets;**
- ▶ **Develop an EU-wide ‘knowledge bank’ of the competencies of enforcement agencies and the relevant legal base including: the powers of enforcement agencies; and their legal base/competencies;**
- ▶ **Use and develop tools such as staff exchange, handbooks, check lists and questionnaires, and ‘who’s who’ directories, to develop the capabilities and capacities for facilitating cross-border cooperation on joint and concerted inspections;**
- ▶ **Use the forthcoming practitioner’s toolkit as a template of how to conduct and scale-up cross-border inspections.**
- ▶ **Suggest that a joint risk-analysis function could be provided within the new European Labour Authority to identify cases for joint inspection.**

**Further information:** The information from the workshop will be fed into a Learning Resource Paper and a Practitioner’s Toolkit that will assist with the set-up, implementation and follow-up activities of cross-border joint and concerted inspections. The workshop is part of a learning process which will be continued by a Follow-up Visit to one of the participating countries (tbc). The input documents and presentations from the workshop have been uploaded to the Platform’s collaborative workspace.

