



April 2019

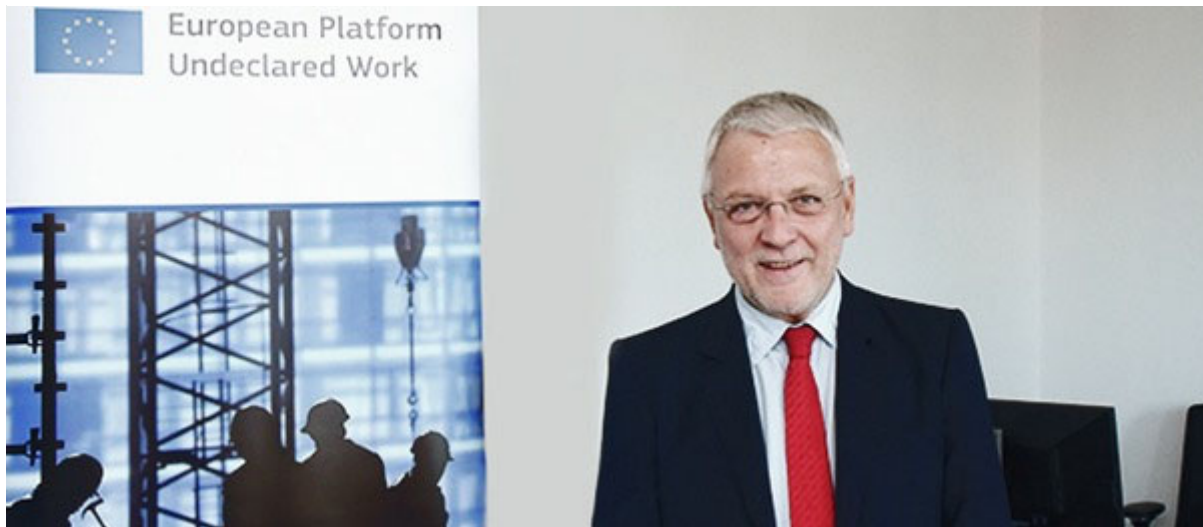
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Using cross-border cooperation to tackle undeclared work



Undeclared work is not confined to national borders. Cross-border collaboration is essential to ensure good information and data exchange. Joint inspections and close work with neighbouring enforcement agencies are becoming an important feature for tackling undeclared work. The European Labour Authority will provide important support to Member States in this regard.

You will find below news from the **Platform's Plenary discussions** on this topic; **recommendations** from a recent workshop hosted by the Authority for Working Conditions in Lisbon; and, **inspiring examples** from Portugal, Spain and Norway on their cross-border work.



Moving up a gear: the ELA

The European Labour Authority (ELA) will support Member States and the Commission in ensuring that EU rules on labour mobility are enforced in a fair, simple and effective way.

The European Parliament and the Council reached a provisional agreement during their negotiations on ELA's founding act, and the legislative process should be finalised by June. With an annual budget of €50 million and a staff of 144 at cruising speed, the Authority will support Member States in providing information and services to citizens and business; facilitate cooperation and exchange of information between Member States (including through support for concerted and joint inspections); and will mediate in cases of cross-border disputes between Member States.

The European Platform tackling undeclared work will be integrated into ELA as a permanent working group. For 2019-2020, the work programme should be implemented as decided, unless amendments are proposed by the Platform.

The Platform has achieved a considerable amount since its launch in 2016. It is now time to move up a gear, and the ELA will strengthen the work in this important policy area.

Jordi Curell, Chair of the Platform

What's New



Platform Plenary meeting, 12-13 March 2019

Day one of the meeting was dedicated to discussing letterbox companies (LBCs) - businesses which have complied only with the essentials for organisation and registration in a country, with commercial activities carried out elsewhere. Platform members discussed different 'entry points' into this complex area of fraud.

Transparency, effective exchange of information and cooperation between agencies and Member States were highlighted as essential to tackle the issue. For instance, Denmark relies on cooperation between key agencies, as well as the police. Together they focus on compliance to provide clear information for companies hiring workers from foreign countries. In specific cases, judicial cooperation and working with the police (an approach which has been used in Belgium) can provide greater investigative resources and powers. In Hungary, the criminal code (section 409) legally obliges companies to supply data: inspectors can then determine if the company is legally established.

Day two highlighted results from a recent Platform survey on cross-border cooperation and joint inspections, and a workshop on the same topic held in Lisbon which took place at the end of February. Findings reveal joint inspections are limited in number and, when they do take place, tend to be with neighbouring countries. The main challenges include data protection/exchange of information, differences in legislation, and resources and language barriers. Discussions highlighted the importance of quality data exchange to support these activities. The current working group looking at this issue will make recommendations to the October 2019 Plenary.

Thematic review workshop: cross-border concerted and joint inspections, 28 February – 1 March 2019, Lisbon

The aim of the workshop was to share knowledge and experiences amongst Platform members in relation to cross-border concerted and joint inspections.



Participants from 22 countries attended the workshop, which included representatives from national ministries, Labour Inspectorates, regional administrative agencies and tax authorities. Delegates shared their experiences and practices of effective joint inspections - see below in the 'Practices' section of the newsletter for inspiring examples.

Find out more about the workshop by downloading the [executive summary](#) (PDF, 94 KB). A full report and practitioners' toolkit will be available later this year.



Platform seminar: tackling undeclared work in the agricultural sector, 24 January 2019, Brussels

This event provided participants with an opportunity to reflect on existing practices, tools and approaches that deal with undeclared work in the agricultural and horticultural sector. It highlighted the challenges presented by the increased concentration of both the retail food and food processing industry, resulting in greater pressure on agricultural and horticultural producers to keep production costs low while maintaining high quality standards.

Recommendations included the need to develop effective cooperation between key stakeholders; mix of both deterrence measures with more effective inspections; incentives making it easier to comply; the need to build trust; and tackle structural causes.

Download both the executive summary and learning resources:

[Tackling undeclared work in the agricultural sector: executive summary](#) (PDF, 94 KB)

[Tackling undeclared work in the agricultural sector: a learning resource](#) (PDF, 427 KB)

Mutual Assistance Projects (MAP)

Platform members from the Netherlands, Finland, Greece and Belgium visited Cyprus in March. They provided advice and support on how the newly established Centralised Labour Inspectorate could develop a holistic approach towards transforming undeclared work into declared work. A follow-up visit will take place in 9-12 months to monitor progress made and to discuss how any barriers that have been confronted might be overcome.

Discover participants' experiences in previous



Photo: The latest MAP in Cyprus

MAPs here: [Mutual assistance projects - sharing knowledge and expertise to combat undeclared work](#)

Apply now for staff exchange!

Would you like to visit other countries to learn from peers, exchange ideas and possibly kick-start future joint activities?

If your answer is 'Yes', we are delighted to let you know that applications for staff exchanges are now open for Platform members and observers. Note that places will be allocated on a first come, first-served basis.

For more information contact: EMPL-UDW-PLATFORM@ec.europa.eu

Practices: cross-border work

Below we share inspiring examples from three Platform members from the 'Thematic Review Workshop: cross-border concerted and joint inspections' in Lisbon.

Joint inspections make a real difference

Luísa Guimarães, Authority for Working Conditions in Portugal

"In the Braga region of Portugal, we realised that we needed joint inspections with the Spanish region of Galicia to tackle fraud and undeclared work in several sectors.

With a bilateral agreement with Spain, we could exchange information more easily. Key to our success was collaboration with public authorities and inspection services, trade unions, business associations, and municipalities. As a result, we have more efficient joint inspections. We have addressed key problems such as: better access to workers' social security information, improvements around posting of workers, and health and safety issues."

Norway leading the way in tackling work-related crime

Pål Lund, Norwegian Labour Inspection Authority

"Cross-border fraud and crime is easy for those who want to hide illegitimate businesses. The Norwegian response is to target foreign companies and workers in Norway and strengthening cooperation with foreign labour inspectors.

Since setting up a bilateral agreement with Lithuania in 2017 our cross-border cooperation has gone from strength to strength. We have undertaken joint inspections to investigate unregistered activities in the construction sector, reviewed labour conditions and workers living conditions. Our cooperation has led to improved knowledge sharing, reflection on current practices, and an opportunity to learn from each other.

Undeclared work can only be combatted by joining forces and when we work together, we increase the possibilities for success."

Cooperation through targeted actions

Almudena Núñez-García Bada, Labour and Social Security Inspectorate, Spain

"Strengthening cooperation in the fight against precariousness and international fraud is a top priority for Spain's inspectorate. Our focus is on cross-border collaboration, posting and letterbox companies, and joint inspections. With four bilateral agreements in place with France, Portugal, Poland and Romania, our cooperation is focused on information exchange. We have also undertaken several joint inspections with Portugal and France.

Recently we have undertaken joint inspections with Spanish and Romanian police forces to tackle widespread abuse, human trafficking and labour exploitation in the agricultural sector. Information leaflets informing workers of their rights and to whom they can contact to make a complaint will

be available soon. Targeted actions like these ensure that workers are aware of their rights and this really helps prevent exploitation. A complaint form will soon be available in Romanian, French and English.

Cooperation through joint investigations in both Romania and Spain, helps us tackle human trafficking with the Labour Inspectorate focusing on administrative charges.”

Latest publications

You can find all of the publications, examples of country practices, and much more on the [Platform web pages](#).

Event materials

- [Tackling undeclared work in the agricultural sector: a learning resource](#) (PDF, 426 KB)
- [Thematic review workshop: cross-border joint inspections executive summary](#) (PDF, 94 KB)
- [Outputs of the fifth plenary meeting of the European Platform tackling undeclared work, October 2018](#) (PDF, 115 KB)
- [Tackling under-declared employment in the EU](#) (PDF, 334 KB)

Toolkits

- [Information tools and approaches to reach out to workers and companies in the fight against undeclared work](#) (PDF, 7.3 MB)
- [Risk assessments for more efficient inspections as a means to tackle undeclared work](#) (PDF, 1.0 MB)
- [Communicating effectively: a guide to disseminating knowledge from the European Platform tackling undeclared work](#) (PDF, 5.9 MB)

Dates for the diary

- 16 May 2019 - Platform seminar: preventative approaches highlighting tax rebates and notification letters as effective tools for tackling undeclared work, Belgium
- 12 June 2019 - Visibility seminar: focus on the Platform's joint information campaign, Belgium
- 26 and 27 June 2019 – Thematic review workshop: future role and competence profile of labour inspectorates, Lithuania

Upcoming studies

- Small-scale study on 'success stories of social partners or tri-partite collaboration in combatting undeclared work'
- Data protection/exchange of information in tackling undeclared work
- Study on collaborative platforms/new forms of work/bogus self-employment

Features

Latest videos

Hear from Platform members and observers about their work. The videos demonstrate how collaboration is a powerful instrument in tackling undeclared work. Check out the latest videos:

- [Working cross-border to tackle undeclared work](#)
- [Staff exchanges - inspiring ideas from across the EU to tackle undeclared work](#)

- [Mutual assistance projects - sharing knowledge and expertise to combat undeclared work](#)

Glossary

Unclear on what the difference is between 'joint' or 'concerted' inspections? A group of Platform members have produced an updated glossary of shared concepts and definitions which is on the Platform webpage [here](#) and in the virtual library [here](#).

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