

Toolkit on competence profiles of labour inspectorates and inspectors in tackling undeclared work



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Created in 2016, the European Platform tacking undeclared work enhances cooperation between EU countries. This EU-level forum allows different actors, including social partners and enforcement authorities, such as labour inspectorates, tax and social security authorities, to exchange information and good practices; learn from each other and together; develop knowledge and evidence.

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1. Introduction

1.1. Aim and objectives of the toolkit

This toolkit aims to help human resource (HR) management within labour inspectorates to understand and respond to new challenges in tackling undeclared work, specifically focusing on competence and skills.

The toolkit examines key activities which have been prioritised by members of the European Platform tackling undeclared work (the Platform), and discusses changes that labour inspectorates are facing - including the associated implications for skills and HR.

These are:

- role division issues that labour inspectorates should be considering;
- implementing inspections and sanctions;
- risk assessment and evaluation; and
- raising awareness and providing information.

Also included are practices and examples of how to future-proof labour inspectorates' HR policies, to help staff to respond to new skills needs and the wider implications for HR management.

The toolkit draws on the discussions arising from a mutual learning Thematic Review Workshop on the Future Role

and Competence Profile of Labour Inspectorates held in Vilnius on 26-27 June 2019 and a follow-up visit in Madrid on 1 October 2019.

1.2. Who is the toolkit for?

This toolkit is primarily aimed at managers within labour inspectorates which have the flexibility to implement their own policies, and particularly those responsible for HR management, inspections, risk assessment and communications. However, the general implications of the toolkit will be relevant for all labour inspectorates and others looking to further their understanding of the required skills and competences within this workforce.

1.3. Tackling undeclared work and the challenge facing HR management

Curbing undeclared work and transforming it into declared work, in a context marked by new forms of work and technological opportunities, poses real challenges for labour inspectorates. These challenges require specific, sometimes different, skills and competencies, new ways of role division and better cooperation both within labour inspectorates and between the different tax and social security enforcement authorities, more generally. Table 1 sets out the main implications facing HR teams.

Table 1. Key challenges requiring an HR response

Challenge	Description
Preventative approaches	Effective enforcement is increasingly combined with preventive actions, which can require a shift in the roles and tasks of inspectors, labour inspectorates and other enforcement authorities.
Cooperation between organisations	The shift towards preventive approaches requires that enforcement authorities cooperate with a broader set of institutions, including multiple ministries, agencies and departments. This further increases the need for a coordinated strategic and holistic approach, as well as new collaborative working skills.
Ensuring skills meet organisational needs	As public sector organisations undergo various transformations, such as organisational restructuring or re-designing services and operations, there is a need to align the skills of labour inspectors and other public servants with the new ways of work.
	Labour inspectorates also need to adapt to, and take advantage of digitalisation and new forms of work, which also have implications for the skills and competencies required by inspectors and other labour inspectorate staff.

1.4. Scope and terminology used in the toolkit

Throughout this toolkit, the term 'competences' is used to include¹:

- knowledge (what a person knows);
- skills (what a person can do);
- personal and social attributes (how a person behaves).

The main focus of the toolkit is on skills, but the actions recommended can also apply to the knowledge, attitudes and behaviours required by all labour inspectorate staff.

For other commonly-used terms regarding undeclared work, see the <u>glossary</u> produced by Platform members.

1.5. Structure of the toolkit

The toolkit is structured by the key areas of work which are likely to have new or revised skills needs within labour inspectorates, as prioritised by the members and observers of the European Platform tackling undeclared work. The toolkit then considers the implications that these key areas of work have for role division and for human resources in labour inspectorates.

The following chapters of the toolkit therefore cover:

- Chapter 2: Competences for risk assessment and evaluation;
- Chapter 3: Competences for awareness raising and providing information;
- Chapter 4: Competences for implementing inspections and sanctions using a holistic approach;
- Chapter 5: New role division within labour inspectorates;
- Chapter 6: Taking the next steps.

¹ Cedefop (2014), Terminology of European education and training policy: a selection of 130 terms. 2nd ed. Luxembourg: Publications Office.

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2. Competences for risk assessment and evaluation

Risk assessment is becoming increasingly prominent in labour inspectorates, even though several labour inspectorates are still at the early stages of developing these systems. Using data more effectively is essential to risk assessment. It can increase the success rate of inspections and reduce unnecessary inspections and related costs. The development of statistical software, econometric analysis and data mining methods, and the increasing availability of administrative data and big data has created new opportunities for improving risk assessment tools.

Risk assessment has historically been limited to discovering infringements in fraud-sensitive economic sectors. Interest is now turning to risk assessment involving cross-checking of big data and the identification of practices such as fraudulent companies, bogus letterbox companies, forged company documents, and the individuals who set up such schemes².

At the same time, labour inspectorates are under increasing pressure to be more efficient and effective. Risk assessment models can help labour inspectorates and other enforcement authorities:

- target resources and provide value for money;
- improve the success rate of inspections;
- provide policymakers with key data to support strategic decision-making.

2.1. Keeping up to date with the latest developments

To keep on top of labour market developments, labour inspectorates should examine if they have sufficiently:

- up-to-date information on labour market trends;
- detailed information on the characteristics of new forms of work, and how these are captured by existing formal data collection systems and informal data sources;
- effective cooperation with other public bodies owning relevant data and/or similar risk assessment functions;
- advanced tools for risk assessment to supplement the local knowledge of inspectors;

- enhanced cooperation with inspection and communication units using the outcomes of riskanalysis;
- international approaches and better capacity to operate cross-border;
- modern tools for evaluating enforcement tools and practices.

Globalisation and new types of work create new forms of undeclared work. Cross-border trade has increased in volume and in terms of the range of services. At the same time, digitalisation and the rapid growth of services and the knowledge industry has changed the concept of jobs which include:

- Platform work;
- Portfolio work;
- Voucher-based work,
- Casual work or gig economy;
- ICT-based mobile work.

New types of contractual arrangements are also emerging such as:

- Employee sharing;
- Job-sharing;
- Collaborative employment;
- ▶ Interim-management³.

These new forms of work are characterised by unconventional work patterns and places of work, implying that some types of work may not be fully captured by administrative data traditionally used for risk assessment. This makes it more complicated to establish liabilities and rendering traditional inspection methods (e.g. site visits) unfeasible or inefficient.

To support enforcement authorities, the Platform has developed a <u>practical toolkit on how to develop a risk-based approach</u> and a step-by-step <u>toolkit on how to develop data mining systems and tools</u>.

² European Platform tackling undeclared work, (2019). Cross-border concerted and joint inspections in the fight against undeclared work

³ Eurofound (2015), New forms of Employment https://www.eurofound.europa.eu/publications/report/2015/working-conditions-labour-market/new-forms-of-employment

2.2. Developing high-level expertise and competences for risk assessment

The high-level specialist resources needed for risk assessment can either be shared across authorities or established in-house. This can be an efficient way to bring in competences in a specialised area where there are resource constraints. An example of sharing this expertise across authorities is provided below.

Box 1. Sharing high-level risk assessment expertise across agencies in Belgium

In **Belgium**, the labour inspectorate regularly receives information on high-risk firms from the National Social Security Office (NSSO), which has a strong analytical unit and a profiler working closely with the labour inspectors. This 'sharing' of resources provides efficiency savings on risk assessment for the Belgian labour inspectorate, and at the same time allows for input and feedback to improve the level of cooperation and expertise provided between the institutions.

Source: European Platform tackling undeclared work. Presentations provided by Belgium, during the follow-up visit on Risk assessment for more efficient inspections, 28 September 2018, Brussels, Belgium.

One option for developing highly specialist data analysis capacity in-house is to consider introducing analytical software that has already been used effectively elsewhere. This requires some in-house expertise to adapt and use the systems being introduced (see example below).

Box 2. Supporting development of expertise for a risk assessment tool in Latvia

The **Latvian State Revenue Service (SRS)** introduced the ESCORT risk assessment system (already used in Greece, Ireland and Sweden and also applicable to the detection of undeclared work by labour inspectorates) in 2016, in response to a growing need for a databased inspection strategy. This system focuses on analysing companies rather than employees. The process of selecting tax control measures begins with the tax control planning and analysis division of the Tax Control Board, which sends the selected task to the Legal Persons' Analysis Division which compares the data on the ESCORT system with data from the data warehouse and produce an audit plan. The Tax Control Board includes four highly qualified specialists who perform the risk assessment process, maintain and operate the risk assessment systems.

Source: European Platform tackling undeclared work. Toolkit on Risk Assessments for more efficient inspections as a means to tackle Undeclared Work

2.3. Adapting analytical expertise to evaluation

The analytical capabilities of labour inspectorates can

also be effectively adapted, with minimal additional training, to evaluate the impact of enforcement tools since this requires similar skills and data. Evaluations are particularly important prior to introducing new tools or practices and should ideally be based on a small-scale pilot, so that results can be used to adjust the tool before rolling it out.

Ideally, evaluations will combine quantitative methods (such as surveys and analysis of data) for measuring the impact of the new tool and qualitative methods (which use less data and can include methods to gather qualitative information including interviews, focus groups, case studies etc.) for exploring how and why impact is generated. An example of a labour inspectorate enhancing its evaluation capacity is provided below.

Box 3. France's impact evaluation unit

Following the reform of the labour inspection system in 2012, **France's** labour inspectorate (Direction Générale du Travail, DGT), focused on evaluation as key in the development and modernisation of the organisation. Two evaluation projects were introduced in 2014, including a national project to evaluate measures against fraud in the transnational posting of workers and a national project to evaluate local actions led by regional directorates. These two projects were also used to develop a general evaluation process applicable and transferrable to all the activities of the organisation.

The implication for human resources was that a new evaluation and monitoring unit was created to manage the projects. This unit ensures that regional evaluations are coherent, supports their implementation and promotes the visibility of results both within and outside the organisation. In early 2019, to support capacity building in regional directorates, the evaluation unit organised training on specific evaluation measures for regional staff and published a guide to evaluating measures implemented by their labour inspectorate.

Source: European Platform tackling undeclared work. Presentations during the thematic review workshop on future role and competence profile of Labour Inspectorates, 26-27 June 2019, Vilnius, Lithuania

2.4. Implications for the skills requirements of managers, analysts, IT staff and inspectors

Tackling analytical tasks in the most efficient way depends on the institutional structure and resources available to the labour inspectorate.

Shared services

For many organisations, efficiencies may be realised by establishing (or strengthening) a centralised analytical unit equipped with access to administrative data and analytical tools both for general labour market analysis

and risk assessment. Shared resources require effective communication and trust, so strong inter-agency management and leadership to develop this is a key requirement.

TIP: If labour inspection is part of a ministry and/ or agency that also has other functions (e.g. employment services or social insurance) it is important to consider the analytical needs of these other functions. Provided that the needs of the wider agency overlap with those of the labour inspectorate, a central analytical unit that services all functions of the organisation can be the most relevant approach.

If an enforcement authority has limited resources to hire additional analytical and IT staff, closer cooperation with other public bodies with a similar mandate (e.g. tax and social insurance authorities for risk assessment, employment services for labour market trends) can help: cooperating partners may reduce costs by exchanging data and dividing certain analytical tasks between them.

TIP: Ensure that inspectors systematically provide feedback on their field experience to analytical staff. Inspectors can also contribute to testing risk assessment models.

State-of-the-art risk assessment tools typically use both individual and company-level information. The quality

of risk assessment can be greatly enhanced by linking several administrative data sources. Besides close cooperation with the respective data owners, maintaining and using such linked databases requires some staff members to have advanced IT and analytical skills (Table 2).

Allocation of staff according to skills

TIP: When thinking about risk assessment needs, consider the mix of staff within a team. For example, inputting data into databases is critical: and time-consuming so ensuring qualified staff are deployed effectively to ease the burden on senior managers and inspectors results in a better use of resources.

Inspectors themselves need to be IT literate - but not necessarily specialised - unless they also engage with data mining or risk assessment. Inspectors need to understand the logic and purpose of risk assessment and data mining, be able to interpret risk assessment outcomes, have relevant end-user skills and be able to use the system effectively. Managers need to monitor the use of new tools to connect data mining information and preventative activities. These need apply to general inspectors and those working on cross-border projects.

Table 2 below outlines the skills required for risk assessment and evaluation, alongside traditional labour inspection skills.

Table 2. Skills requirements for risk assessment and evaluation

Role	Skills required	
High level executive managers need to have:	 Ability to advocate for, support and monitor the use of new tools by inspectors Ability to cooperate when joining forces with others for data sharing/ collaboration Attitudes open to adopting change management techniques 	
Middle managers (e.g. manager of the analytical unit)/local managers need to:	 Understand and engage with the strategy of the labour inspectorate (and possibly have the ability to provide support in its shaping) Champion, support and advise on use of new tools by inspectors Have the ability to deploy change management techniques 	
Analysts need:	Advanced IT skillsAdvanced quantitative analytical skillsAdvanced qualitative analytical skills	
IT staff/data miners need:	 Digital and data analysis skills Ability to interpret outcomes (tell a 'story' to inspectors and PR units) Ability to use statistical software Ability to build a system that fits into the general strategy of the labour inspectorate 	
Inspectors need:	 General IT skills, ability to use the IT system effectively Understanding of the logic and purpose of risk assessment and data mining Ability to interpret risk assessment outcomes Ability to connect data mining information and prevention 	

Note: The table is indicative only, due to the diversity of management roles in labour inspectorates.

2.5. Implications for HR management

To address analytical skills gaps in the workforce, labour inspectorates may need to recruit employees with 'key' new skills. This particularly applies to risk-analysis where specially trained technicians are needed with complex data processing and data management skills. They may also need to upskill their existing workforce and identify inspectors who are open to using IT tools.

Existing inspectors will need to learn to use new IT tools and understand the general logic of risk-analysis, to enable them to use the tools effectively and to provide meaningful feedback to data analysts. Some organisations may need to do both, as demonstrated in the example below.

Box 4. Greece's HR response to the introduction of new IT tools

Greece has made a concerted effort to improve inspectors' skills to be able to use new IT tools. Since the ERGANI system was introduced in 2013, the Hellenic Labour Inspectorate has developed printed manuals, guidelines and remote video training modules. The ERGANI system allows targeted inspections and close monitoring of high-risk companies in specific sectors and seasonal activities. It also facilitates preventive measures, such as sending reminders to high-risk companies that they are being monitored.

To gain the necessary skills for using the IT tools, the inspectorate organises training. New incoming inspectors receive three-hours training on how to use the ERGANI IT system before using it for the first time. They learn how to use the system in relation to inspections. The system may also be 'locked' so that companies cannot amend details of their undeclared workers during an inspection (however, this functionality is not operational yet).

Source: European Platform tackling undeclared work. Presentations during the thematic review workshop on future role and competence profile of Labour Inspectorates, 26-27 June 2019, Vilnius, Lithuania

Inspectors may need to be encouraged, or obliged, to participate in such training and understand the benefits of risk assessment to them and their teams. These benefits include:

- Increasing detection rates;
- Freeing up time and reducing workload;
- Reducing administrative and mundane tasks, making roles more interesting.

An approach adopted by some countries is to require a minimum number of days or a proportion of working time to be devoted to job-related training annually (as is the case in Belgium, where inspectors from the specialised units Control of foreign enterprises active on Belgian territory (COVRON) and special unit of the Social Security Office (GOTOT) must undertake a minimum of 10 days of training per year). Another approach is to use ad-hoc training modules (à la carte) for inspectors found to be lacking certain skills during the formal employee performance evaluation procedure.

TIP: If a rigid salary system makes it difficult to recruit full-time staff skilled in IT, alternatives could include offering job-sharing⁴ or several part-time positions and a flexible working approach. Highlighting a work-life balance and the benefits of working in a public organisation can also attract candidates.

Many labour inspectorates would benefit from further training in risk assessment and evaluation but lack adequate support and budgets to do so. As a result, they tend to rely on centralised civil service training, often not tailored to the specific needs of each enforcement authority. Further support, especially at the European level in the case of cross-border investigations, could be beneficial.

⁴ Job sharing is a type of flexible working arrangement which enables two or more people to voluntarily work part-time (pro rata) to share the responsibilities and duties of one full-time role. This can work in a range of ways. Some examples might include one person works from Monday to Wednesday, the other Thursday and Friday; one person could work in the mornings and the other in the afternoons; or they work alternate weeks. This

3. Competences for awareness raising and providing information

3.1. New roles for inspectorates around awareness raising and providing information

A holistic approach to tackling undeclared work includes 'indirect' approaches aiming to change the attitudes and behaviours of citizens and businesses to unlawful or undesirable activities. These include awareness-raising campaigns and educational activities.

For some inspectorates, this may mean 'starting at home' to tackle attitudinal barriers within the organisation which may hinder investment in the competences and resources required to develop prevention activities. Developing and sharing an evidence base of what works may be one way to start addressing these barriers. Examples of successful education and awareness campaigns from a variety of countries and organisations are highlighted in the Platform's toolkit on Communicating Effectively. The trend of increasingly important communications will continue, so labour inspectorates need to also focus on communications. This means that staff teams will need to have more and better communications and marketing skills or will need to be able to access these different skills elsewhere.

The focus of communication or education activities may range from providing details of the current regulations (e.g. rules or reporting obligations), the risks involved in unregistered employment (e.g. lack of insurance), to the likelihood of detection and the fines involved. The nature and scale of the communications activities will determine the skills and competences needed for successful and impactful activities. Some examples of different communications activities delivered by Platform members and observers are provided in Table 3 below to illustrate different angles and the potential implications for activities and the skills and expertise required.

Table 3. Examples of different communication activities

Aims	Main target audience	Objectives	Implications for skills and competences
Prevention	Companies and workers	Providing clear simple information on rules, payment and reporting obligations, procedures for payment and reporting, providing advice to help companies and workers comply with rules.	Good communication and advisory skills, good negotiation skills to encourage companies to comply with the rules and move workers from undeclared to declared status.
Demonstrating the benefits to individuals and society	General public	Information about how declared work contributes to better public services, better and healthier working conditions as well as to building a strong community for workers and their family.	These sorts of campaigns have a wide reach and are normally designed and delivered by a specialist communication team, often they are run as digital campaigns and need social media experts. Here inspectors can help with the overall strategy and defining the target audiences and messages that might appeal.
Personal storytelling	Workers, also companies	Providing information about workers' rights (holiday pay, sickness benefits, protection against accidents and unfair dismissal, etc). Informing workers about instruments that are available to get out of an undeclared work situation, as well as about the rights and protections available.	Specialist communication skills are needed to craft messages into 'stories' that will engage audiences.
Sectoral approach		Provide information on workers' rights and obligations of companies when employing staff and sub-contractors. A focus could be on new forms of work e.g. highlighting the risk of bogus self-employment or providing information sources for checking the payment of social security contributions, etc.	Good communication skills to present information clearly. Sectoral knowledge and private sector experience can be assets in this respect.
Punitive – naming and shaming	Companies	Present the labour inspectorate/enforcement authority as an efficient and sophisticated organisation, sharing information with other government bodies, highlighting successful prosecutions and penalties for non-compliance.	 Advisory and negotiation skills to encourage compliance. Often using risk assessment methods to target certain more risky businesses/ sectors.

There are a wide variety of different communications activities which labour inspectorates use, ranging from simple leaflets to sophisticated communication campaigns. As well as the use of traditional media, websites and social media are increasingly important channels. Labour inspectorates may join forces with other public agencies with a similar mandate, which may generate stronger insights and expertise, wider networks and cost savings. The Platform has developed a <u>practical toolkit</u> on how to plan and implement information campaigns aimed at workers and companies.

It is often more effective to have a central communication department, rather than spreading the responsibility across different teams. This acknowledges that marketing and campaigning require specialist skills and a centralised, expert function will improve efficiency, even where labour inspectors are expected to provide regular information and advice to clients.⁵

As illustrated in the box below, enforcement authorities already use a range of communication activities that require new skills from staff.

Box 5. Managing and delivering communication activities and tools

The **Belgian** labour inspectorate uses a broad range of communication tools: a single point of contact for fair competition, a contact centre, website, brochures, leaflets, counselling/advice to social partners (seminars), information to other public authorities (e.g. procurement agencies), and measuring and sharing information on the cost of full compliance.⁶ These activities are managed by a **central communication unit** with specialist staff.

The **Greek** labour inspectorate, alongside a widely targeted awareness-raising campaign (implemented by a specialist team) has set up a helpline to provide information, advice and incentives on formalising informal business activities. The staff recruited for the helpline are mainly experienced **lawyers**.

In **Sweden**, an awareness-raising campaign was launched with the slogan 'where do you draw the line?', targeting employers who may be considering using undeclared labour. The intention was to address the inner moral compass of 'grey' employers. The campaign used videos, a mobile game, social media ads and leaflets, supported by **specialist communications staff**.

In **Lithuania**, consultation via Facebook Messenger was introduced by the State Labour Inspectorate to improve the availability of advice on issues concerning occupational health and safety and undeclared work. **Staff members** are responsible for managing the Facebook Messenger account as follows: a timetable is prepared each week, assigning two lawyers to be on duty every day to answer questions submitted. The **lawyers** also have the option to respond by email, phone, or during face-to-face meetings or pass questions on to other specialists.

Sources: European Platform tackling undeclared work. Good practice fiches: Belgium, Estonia, Greece, Lithuania, Sweden

3.2. Skill requirements of communication activities

Effective communication requires that messages are tailored to the target audiences, both in terms of content and communications channels. Activities need to be closely monitored to check they are working and then evaluated to learn lessons for the next time.

Leaders and managers within labour inspectorates may also need to convince other relevant authorities of the value of prevention activities to tackle undeclared work and to encourage a coordinated approach to their communication strategies. A key goal is for the relevant enforcement authorities to emphasise the information and support they provide to help companies and workers comply and work declared. These sorts of activities can help increase the general level of trust in those authorities and further boost compliance.

Inspectors have an important role in communications activities and so where possible should be involved in developing their organisation's communication strategy. Inspectors bring a wealth of knowledge and expertise from working on the ground and so can provide valuable insights which can help determine the right target groups, channels and messages. Once activities are launched inspectors can provide valuable on-going feedback on the activities and so helping to ensure they meet the original objectives set. Inspectors may need to adjust the approach of their inspections, e.g. rely more on providing information and amnesties giving companies time to make the changes required to declare their workers. The next section discusses information provision that can be included within the activities of inspectors in more detail.

The increasing need for labour inspectors to have a greater communications role requires competencies beyond traditional public relations (PR). In-house skills requirements will depend on the specific role of each

⁵ Cf the corresponding recommendations of the ILO (http://www.iali-aiit.org/resources/International%20Common%20Principles.pdf)

⁶ E.g. What is the normal minimum hourly price for a mason or bricklayer charged to the customer if all social and tax obligations are met?

inspector and whether communication activities are subcontracted or managed internally.

Resources permitting, a central communication unit is recommended, employing an interdisciplinary team combining PR, marketing, organisational, analytical and IT skills. The communication unit should aim to have the required skills to understand compliance, the aim and logic of risk assessment and be able to interpret analytical results describing target audiences so that they can develop messages tailored to each group.

TIP: The ideal team combines: knowledge of undeclared work and various prevention and deterrence measures; good technical knowledge :(of legal basis of inspections and the rules of compliance; marketing and communications expertise.



Table 4 outlines the potential roles within a communications unit and the new skills required.

Table 4. Skills requirements for communication activities

Role	Skills required	
Managers of the communication unit need to:	 Design, develop and implement a communications strategy Coordinate the design and implementation of a variety of tools such as campaigns, information bulletins, legal notes, seminars or external courses, press briefings Design monitoring and evaluation of communications activities Potentially develop briefs to engage third party experts and manage any sub-contracted services 	
Communications officers need to:	 Use appropriate language and information channels tailored to the target audience Follow developments for selecting relevant information to feed into social media and online channels and update social media accounts, website update, prepare media briefings, organise events, etc. Build and maintain user-friendly, easily accessible channels for informing companies and workers and providing advice Collect and analyse data to fill information gaps Closely cooperate with legal departments to ensure that the information they provide is accurate and up-to-date and then interpret and convey complex information simple, easily understandable language, without losing accuracy Closely cooperate with inspectors, keeping them informed about the overall strategy so that inspectors can adapt the information/advice they give during inspections Motivate inspectors to give them feedback on the use of information channels and what needs to be improved Language/translation skills may also be needed for informing foreign companies, working cross-borders and giving guidance and advice to third country nationals 	
Inspectors need to:	 Keep up to date on information related to inspectors' preventative role about incentives and procedures for formalising undeclared work Work closely with call centre operators and the central communication unit for an efficient division of roles Collect and feedback qualitative information from employers about non-compliance and about the impact of awareness-raising campaigns and which approaches and tools work best in specific situations 	

In order to design and implement proactive communication campaigns, the communication unit may need additional skills in addition to those listed in Table 4 above, as described in table 5 which follows.

Table 5. New skills requirements for a proactive campaign team Role Skills required Language skills to assist foreign companies and third country nationals and to assist with organising cross-border campaigns Ability to select and manage the appropriate communication channels according to the target audience e.g. managing social media accounts, organising events, etc. Ability to analyse the attitudes and motivations of different target Campaign teams may need to groups have: Ability to identify stakeholders and potential partners to help outreach activities e.g. social partners or community groups Skills for cooperation with external partners in organising campaigns Skills for producing information materials of various types Evaluation skills to ensure communications activities are on track

and to be able to judge if successful or not

To free up inspectors' time from providing information, establishing call centres may be an efficient way to do this in a larger organisation and can be cost effective if a high share of incoming calls can be answered by

other appropriately qualified staff. Some additional competences can be necessary if a communication unit includes a call centre. These skills are highlighted in Table 6.

Role

Skills required

Understand and comply with personal data protection requirements
Elaborate knowledge management skills to ensure that all call centre operators have access to fully accurate and up-to-date information and the information is structured in a way to enable swift access

Call centre operators need to:

Call centre operators need to:

Handle stress and conflict situations

Research and check the accuracy of information provided

Cooperate with inspectors to ensure an efficient division of roles between inspectors and call centre operators

An example of a job advertisement for call centre operators is included in Annex 1.

Ireland's requirements for call centre staff are included in the box below.

Box 6. Skills requirements for call centre operators in Ireland

The Information and Customer Services Unit (ICS) of the Workplace Relations Commission (WRC) in Ireland operates a dedicated anonymous phone line that provides impartial information to callers on employment rights, employment equality, equal status and related legislation. Establishing a culture of friendly engagement and professionalism to be accessible to a wide audience is crucial to providing a successful call centre service.

Call centre operators need a range of skills, including good communication and customer service skills. Also key are aptitude for continuous learning and readiness to update professional knowledge, particularly since call centre workers tend not to be legally trained but need to understand and be familiar with relevant legislation. IT skills are also vital because Information Officers need to be able to use a tailored customer relationship management (CRM) system and databases that offer prompts with approved answers.

Continued development of the Unit's information officers is important with on-going briefing and training to ensure the information provided is correct and up-to-date. The WRC is committed to upskilling the information providers and developing a training programme which delivers this informed and skilled workforce.

Source: European Platform tackling undeclared work. Good practice fiche: Ireland

TIP: A call centre can become even more effective by integrating it with website chat facilities that offer user-friendly and general information on compliance. In which case, staff need to be trained in multitasking and in the technical aspects of managing the chat facility.

3.3. Implications for HR management

Where budget allows, labour inspectorates can hire a multi-disciplinary team or alternatively employ subcontractors to fulfil specific roles. Subcontracting works best for specialist, short-term input e.g. editing and translating campaign material, producing a promotional

video, working on a short-term campaign.

The HR team may need to update their recruitment process when hiring specialist staff to be able to screen for the necessary skillset, for example, soft skills and aptitudes which are difficult to develop through training. If feasible, communications staff can be recruited from existing employees to ensure that team members have a strong background in inspections and can aid internal cooperation with other units within the inspectorate.

TIP: New recruits can benefit from a short placement in the analytical and inspections unit during their induction programme. Communication team members are also recommended to complete the initial training for labour inspectors.



Training is also useful around collaboration within the interdisciplinary team and to keep staff up-to-date with the latest technology and developments in communications. Regular team building can also generate effective cooperation within the team.

It will be important to inform inspectors about any changes in their inspectorate's communication strategy as part of their formal training. To encourage their commitment, it is worth offering them the opportunity to provide feedback on the strategy. Such training is particularly important if the role division changes significantly, for example, when a call centre is established.

TIP: Involving experienced inspectors in the initial training of call centre operators can improve the quality of the training and strengthen cooperation between inspectors and operators.



It is particularly difficult to retain call centre staff as positions can involve repetitive and demanding work. Turnover of call centre staff can be limited by using early training in stress management, systematic rotation of team members and ongoing support for those dealing with conflict. Offering flexible working hours and good training opportunities can help retain call centre staff.

4. Competences for implementing inspections and sanctions and a holistic approach

4.1. Roles and tools

A holistic approach to inspections requires a shift from the dominant punitive approach to tackling undeclared work towards a balanced combination of informing, advising, convincing, stimulating rectification and sanctioning. A consensus is emerging that the most effective approach is to increase the power of authorities using direct measures (enforcement) at the same time as developing trust in authorities using indirect measures, thereby increasing voluntary cooperation⁷. There are also external challenges that impact on the effectiveness of enforcement authorities. The development of the single market and freedom of movement within the EU has increased cross-border transactions and new forms of employment. With this, comes new types of fraud and labour inspectorates are increasingly required to cooperate with other enforcement agencies (nationally and further afield) to tackle cross-border undeclared work.

The shift towards a holistic approach and the external challenge of labour market developments point to the same direction: inspectors should increasingly take on the role of a coach or consultant, while continuing to apply their existing deterrent enforcement approaches.

Ultimately, inspectors work within an organisational framework, formed by a vision, strategy and with specific goals. Any change in that strategic direction can impact on different staff roles and responsibilities and can often generate the need for new skills and behaviours. Historically, enforcement authorities have focused on targets related to detecting and sanctioning as a means to tackle undeclared work rather than on transforming undeclared work into declared work. They have also focused on measures to deter rather than prevent undeclared work.

TIP: By restructuring their strategic objectives and the related key performance indicators (KPIs), inspectorates can provide strong incentives for moving away from a traditional focus on the number of inspections and penalties imposed towards a more holistic approach.

Inspectors increasingly need to be able to take on more of an advisory role. In the course of their work, they must evaluate a situation and the gravity of an offence and adopt the approach most likely to encourage compliance. They may decide to:

- Give information and advice on how best to comply with the law or to rectify the situation. Where the inspector decides to give advice, an attempt should be made to provide the employer with alternatives on how best to comply within the legal framework and other requirements.
- Issue a warning letter when there is a clear breach of the law. A warning letter is often the first step. An employer's failure to respond to the warning (including a second warning, if required by law) will eventually lead to prosecution.

An example of how inspectors in Belgium are having a wider range of options to apply is presented in the box below.

Box 7. Belgium's gradual warnings

In Belgium, Article 21 of the Social Criminal Code instils the right of inspectors to choose the best formula to reacting to social fraud and infringements. The inspector must have the skills to make a responsible choice to achieve the best possible compliance result: this skill has become increasingly important with the expansion of the range of options available to inspectors. Inspectors may both provide information and opinions, particularly on the most effective ways to comply with provisions and/or grant the offender a term within which to comply with the regulations (a 'regularisation') without having to inform the public (labour) prosecutor. It is an expansion to the warning system, (without compromising the inspector's right to proceed to penal court if the imposed conditions are not met). Inspectors learn how to use the warning system during initial training and via mentoring.

Source: Factsheet on Undeclared Work: Belgium

4.2. New skills required in inspections using a holistic approach

The new, more complex role of inspections using holistic and preventative approaches requires a range of skills, including some new skills as well as some old skills which are increasing in importance,— as outlined in the table below.

Table 7. Competence requirements for inspections and sanctions in a holistic approach

Role	Skills required	
Managers need:	 Ability to involve every layer of staff in changes, make the formal case for change, create ownership of changes being introduced to the role of inspectors Ability to assess the political, administrative, cultural landscape 	
	of the labour inspectorate and to support the creation of a new inspection culture	
	Ability to assess situations and make quick decisions	
	 Good knowledge of the decision criteria for imposing sanctions 	
	To define priorities for targeting inspections	
All inspectors need:	Wider knowledge of legislation and government policies	
Att inspectors need.	 Analytical skills for interpreting and applying risk assessment 	
	Ability to use new IT tools	
	Knowledge of and prior experience in business sectors	
	Soft skills such as cooperation and communication skills	
	Knowledge of the legislation and institutional setup of other countries	
Curre handen in an estana alea	Ability to work in different languages	
Cross-border inspectors also need:	Knowledge of EU law and its impact on employers' decisions	
need:	Networking and partnership skills	
	 Ability to research internationally for traces of irregular activity 	

Examples of job advertisements for general inspectors and a separate one for cross-border inspectors are included in Annex 1.

To effectively combine preventive and punitive actions, inspectors need to assess situations and make quick decisions on which approach will work best. Inspectors need practical guidance on how to handle cases of undeclared work and social fraud. To support this, it is useful for inspectors to be trained to understand the decision criteria on how to intervene in such cases, how to define priorities, and how to (re-)act to encourage compliance rather than sanctioning.

Inspectors may also need the capacity and capability for deeper understanding of current legislation and related government policies to answer questions relating to the inspection. Previous experience, particularly from within the related business sector, can be useful to support credibility and trust-building.

They also require soft skills such as being able to relate to and work with different people, to work well under pressure and without supervision, to take initiative and communicate effectively (c.f. ILO Conventions C81 and C139). The personal integrity of the inspector is also essential to garnering trust. The preventive approach

also requires resilience from inspectors. Steering employers towards compliance takes time and legal and administrative obstacles can be frustrating to navigate. Resilience and soft skills training can help in this regard. Recruitment from industry may also help with understanding a range of perspectives.

Examples of how labour inspectorates are building soft skills among inspectors are shown in Box 8. Changes to recruitment processes such as psychological testing have also been used to establish the suitability of an applicant for this type of role (Box 9).

Box 8. Examples of increasing importance of soft skills

Lithuania emphasised the importance of psychological skills for inspectors to fully engage with the counselling and advisory elements of their role and inspectors were given training to this effect. This appears to have paid dividends, since the Lithuanian inspectorate is now ranked top of the industry and business advice scoreboard.

In **Sweden**, in order to approach employers that are harder to engage with in more effective ways, newly hired inspectors have been trained in new skills such as

mediation, language, psychology and personal safety. Along with developing their knowledge of relevant legislation, staff have also been trained in learning about other authorities' functions and how to work more collaboratively.

In **Belgium**, a special unit called 'Covron' was established to deal with third country nationals in Belgium.8 'Covron inspectors' require soft skills, including high levels of assertiveness to conduct visits to (often) complex work sites, regularly dealing with poorly informed or non-cooperative clients. To succeed, they need psychological competences and the right attitudes: resilience, empathy, fairness, integrity, pragmatism, the ability to select alternatives and solutions, and perseverance to achieve a result. Covron inspectors are specially recruited and receive additional, tailored training as well as a separate evaluation scheme and specific annual objectives for performance management.

Source: European Platform tackling undeclared work. Learning resource paper from the thematic review workshop on the future role and competence profiles of labour inspectorates, Vilnius, Lithuania, 26-27 June 2019

Box 9. Example of reform of the recruitment process in France

France already uses formal tests to assess soft skills during the recruitment process, as certain soft skills are less likely to be developed through training (e.g. psychological attitude) and therefore need to pre-exist. The labour inspectorate recently decided to involve psychologists in the recruitment process to assess these skills more accurately.

A reform of the inspectorate's entry exams has been implemented as of 1 January 2020, aiming to better match formal exams with the tasks and skills expected of labour inspectors. The exams involve written tests and a 45-minute interview to assess the candidate's ability to solve a practical case, to find solutions, to demonstrate their reasoning in an actual situation and a further 30-minute panel interview to assess their abilities, motivation and interpersonal skills and potential to be a labour inspector.

Source: Direction Générale du Travail; Arrêté du 19 juillet 2019 fixant les règles d'organisation générale, la nature et le programme des épreuves des concours de recrutement des inspecteurs du travail

Inspectors also need to be able to cooperate with other units within the labour inspectorate/enforcement authority (e.g. legal department, communications team, analysts) and other government departments nationally

and further afield. Adaptability and openness of inspectors to the changing requirements of inspections is crucial to the success of implementing a holistic approach.

Cross-border inspectors can require a more complex set of skills which may require additional training, such as a grounding in legal issues and, ideally, language skills. Inspectors are likely to need to understand legislation and the institutional structure of the relevant authorities in neighbouring countries and have language skills. They also need up-to-date knowledge of EU law, case-law of the European Court of Justice (ECJ) and its impact on national law and practices (re-adapting methodology for enquiries). It also helps if they have good networking and partnership building skills, the flair and research skills to uncover leads, to use desktop research to find their way around national and international databases.

The growing need for more regular and strategic cooperation within the context of **cross-border inspections** gives rise to new HR challenges, as staff need to have or develop the multi-cultural skills and additional knowledge described above.

Cross-border inspections can also require additional tools, such as multilingual questionnaires (legally accepted in both countries and standardised with typical questions); tablets or phones for translation or handbooks that outline legislation and the targets for inspections e.g., the Belgian and the Dutch authorities have such a common handbook on temporary work agencies⁹. These tools require IT and language skills and shared access to the latest company data in social security/tax/business registers may also require additional skills from inspectors.

⁸ COVRON was established in 2005 to control foreign undertakings on Belgian territory and migrant workers, faced with a high share of posting (reaching 35 % in the construction sector). COVRON has a mandate to tackle non-compliance with DIR 96/71, fraud with A1 & documents, non-genuine posting, letterbox companies, illegally operating TWAs, Influx from TCN & THB. The tasks were too complex and challenging to deal with within the traditional LI structure and methodology and required special treatment/mandate.

⁹ See the Learning resource paper from the thematic review workshop on cross-border concerted and joint inspections

Box 10. France's 'liaison fiches' for crossborder inspections

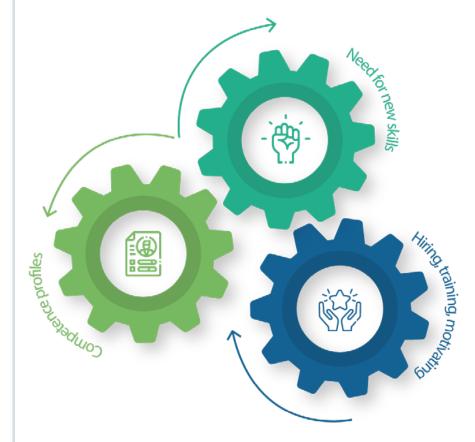
The liaison fiche was developed and implemented by the **French** labour inspectorate to operate cross-border inspections with neighbouring countries. The dossier or fiche includes a who's who list and information relevant to joint inspections, their follow-up, information and comparison of legislative powers, relevant rules, etc. Using the fiches requires both IT and language skills.

Source: European Platform tackling undeclared work. Small Scale Study on Cross-border actions tackling undeclared work Both national and cross-border inspectors need to engage with lifelong learning, adapt to new technology and cope with the constantly changing demands of their job.

4.3. Implications for HR management

Meeting the needs outlined above requires developing or acquiring new skills. The new skills required of inspectors have wide ranging implications for HR management. As summarised in Figure 1, the need for new skills requires enforcement authorities to review and if necessary, revise inspectors' job descriptions and competence profiles. This in turn necessitates an adjustment of hiring procedures, the structure, content and method of training as well as performance management systems.

Figure 1. HR implications of the new skills needs for inspectors



Recruitment process
Training modules
Training content
Types of on-the-job training
Project management system

Competence profiles

It is important that the necessary new skills are systematically identified and included in job descriptions as well as job advertisements. It may be important to explicitly mention the types of soft skills required in order to highlight their increased value and re-orient HR staff and managers involved in hiring and training.

In Slovakia, the new profile includes the ability to work independently, decision-making skills, communication skills, and the requirement of 'analytical, conceptual and strategic thinking'. The revised Greek profile refers to the ability to 'create trust and co-operation' and aptitude for 'personal prestige, bargaining power, persuasion and discretion'.

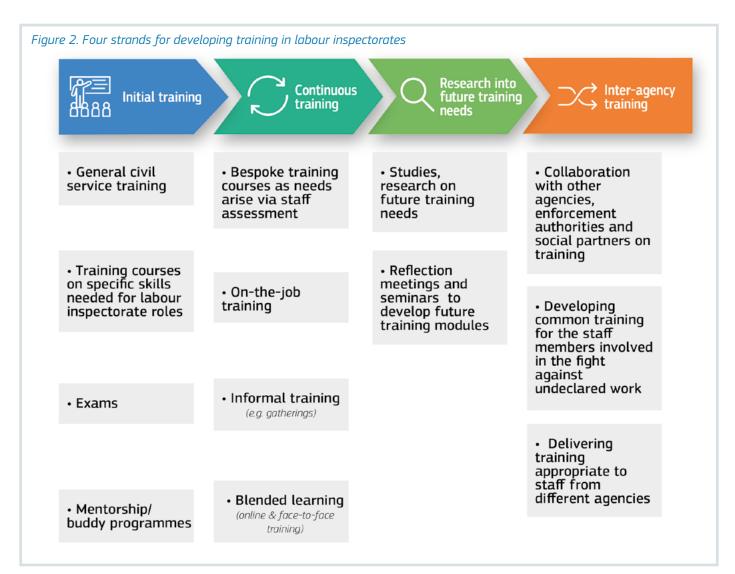
Recruitment process

Recruitment needs to be adjusted in accordance with the increased importance of soft skills. As some soft skills (e.g. empathy) are more difficult to instil through training, it can be more efficient to ensure that new recruits already exhibit such attitudes. This may require updating the recruitment methods and elaborating the

tools for testing soft skills and attitudes. The evaluation of candidates may also need to be adjusted: it may be more important for candidates to possess the right attitudes, as opposed to understanding the structure of enforcement authorities and legislation that can be acquired relatively efficiently via training.

Training systems and content

There are a range of methods to provide training within inspectorates. The main examples are set out in Figure 2. EU-level training can be an additional layer to these four national-level strands: the Decision establishing the Platform¹⁰ mentions that the actions of the Platform could take the form of a framework for joint training, while the European Labour Authority¹¹ (ELA) and projects like Euro-detachment¹² may also offer such training.



For example, during initial training in Portugal, newly appointed inspectors are trained on detection techniques to investigate fraud, with particular attention to atypical forms of work in violation of labour law, such as bogus self-employment and informal employment. Also, an average of two weeks of specific training on undeclared work is part of ongoing training for all inspectors.

The increased range of required skills (and possibly the

increased variation in the skill profile of new recruits) could be delivered more effectively through a modular training system whereby current and new inspectors can test their existing aptitudes and skills and receive additional training where needed.

In updating this system to be more appropriate for a holistic approach, first, content of the training needs to be revised to include information on the challenges of

¹⁰ Decision (EU) 2016/344 of the European Parliament and of the Council of 9 March 2016 on establishing a European Platform to enhance cooperation in tackling undeclared work.

¹¹ https://ela.europa.eu/index.html

¹² http://www.eurodetachement-travail.eu/

undeclared work and the right approach and necessary competences to tackle it. (see Box 11).

Box 11. Initial training for holistic approaches in Portugal

In **Portugal**, all candidates starting as labour inspectors must complete the so called 'initial training internship for entering the career of a senior labour inspector'. The training programme is divided into an initial phase of theoretical education (four months) and a second phase of on-the-job training (eight months). The second phase is carried out in local branches and each intern participates in inspection activities supervised by a senior inspector. In this way, interns learn important skills and behaviour and experience situations such as inspection visits in practice. Half of the labour inspectors also received extensive training on labour fraud.

Source: European Platform tackling undeclared work. Good practice fiche: Portugal, presentations during the follow-up visit: future role and competence profile of Labour Inspectorates, 1 October 2019, Madrid, Spain; and SLIC (2015).

Training systems may need to be revised and adjusted. For instance, to strengthen inter-agency cooperation and to develop efficiencies it may be useful to develop interagency training. See box 12 for an example of this.

Box 12. Developing an interagency approach to training in France

In **France**, new content was introduced in partnership with other relevant public bodies. The INTEFP (*Institut National du Travail, de l'Emploi et de la Formation Professionnelle*) provides specialised inter-institutional training covering analysis of illegal work cases and improving evidence gathering and interviewing techniques. The programme includes modules of control methodologies, road transport, international provision of services, false subcontracting, agriculture and illicit exercise of regulated professions such as ambulance drivers and private security agencies. Trainers are experienced labour inspectors, magistrates and agents from other supervisory bodies.

Source: European Platform tackling undeclared work. Contribution by France during the thematic review workshop on future role and competence profile of Labour Inspectorates, 26-27 June 2019, Vilnius, Lithuania

Continuous training

To support existing staff in acquiring the new skills, there is a need to introduce or strengthen the systematic, regular analysis of training needs as well as continuous training. Examples are provided in boxes 13 and 14.

Box 13. Developing an in-house continuous training programme for inspectors in Slovakia

In **Slovakia**, a new law allows the labour inspectorate to develop and offer training specific to the inspectorate. The new courses were developed and implemented in partnership with other relevant institutions (such as the police, social security agency, central office, universities). Specialised competency training has been developed recently around posted workers and undeclared work. Training activities are carried out by the inspectorate itself, there is no separate structure for training. Training is part of the duties of certain inspectors and administrative staff help organise training. The education council, an advisory body, identifies training needs and introduces solutions (who should train, who should be trained and in what). Inspectors have their competences assessed every five years by sitting validation examinations.

Source: European Platform tackling undeclared work. Presentations during the follow-up visit: future role and competence profile of Labour Inspectorates, 1 October 2019, Madrid, Spain

Box 14. Implementing a training school for inspectors in Spain

Spain has developed its own training system and training school. In 2009, a training school was set up as a structure of Spain's State Agency of Labour and Social Security Inspectorate (ITSS). The Training School was originally dependent on the General Subdirectorate of Institutional Relations and Technical Assistance, but eventually became a separate subdirectorate, housed in its own building. The School organises and delivers initial training for inspectors joining the organisation, continuous training for career development as well as research activities on future training needs.

In terms of continuing training, courses are offered to experienced inspectors in five areas of professional knowledge (administration and procedure; social security and employment; occupational risks and labour relationships; languages, international relationships and new technologies; and skills and psychological abilities). The school offers both face-to-face and online courses and develops new courses on request from regional offices or specialised units of the inspectorate. The School does not yet have its own teaching staff but aims to do so in the future. Experienced inspectors are engaged by the School to offer training, or external experts (from other administrations or the private sector) are contracted as necessary. The training school regularly designs training courses in response to developing trends in the tasks of labour inspectors. For example, they have recently introduced a new 10-hour course on irregular work related to digital platforms and e-commerce and other courses on cooperative and bogus self-employment. Another example is a 13-hour practical course on the anti-fraud Unit. New training courses on undeclared work are mainly initiated and designed at the request of the National Antifraud Office.

Source: European Platform tackling undeclared work. Presentations during the follow-up visit: future role and competence profile of Labour Inspectorates, 1 October 2019, Madrid, Spain

Format of learning methods

The increased importance of soft skills and attitudes also calls for changes in the format of learning. There is a need to shift from traditional instruction methods that may be appropriate for the transfer of information and knowledge but are not suitable for developing skills or changing attitudes.

New methods of learning may involve:

- More interaction between learners for example through team-building activities;
- Peer and group learning through workshops or seminars;
- Discussing case studies of real-world examples; and
- On-the-job learning supported by mentors.

The Platform also offers a staff exchange programme where staff can visit enforcement agencies in other countries. Such secondment schemes may offer a valuable alternative to training, even though currently they are rarely used in this way.

TIP: Team-building activities not only boost motivation but also develop cooperation skills which are highly needed for example in cross-border inspections (where highly specialised experts need to cooperate closely in order to be effective).

TIP: For newly recruited staff or inspectors assigned to a new division/specialisation unit, it is worth spending time in another regional or local unit to benefit from networking, sharing knowledge and idea and mutual learning. Working with a personal tutor or mentor during the first months in a new position is also recommended.

Informal or on-the-job training and knowledge-sharing is often more effective than official training for acquiring competences. In other countries, mentoring is mainly used to support new recruits (Box 15).

Box 15. Using mentoring to support onthe-job training in Lithuania, Luxembourg, Slovakia, Belgium and Norway

In **Lithuania** and in **Luxembourg**, in-house mentors provide help to inspectors.

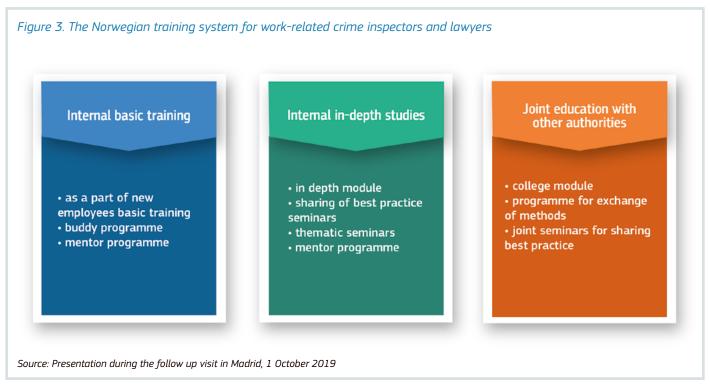
In **Slovakia**, mentors are either graduates of a training programme for mentors or have at least three years' experience in the labour inspectorate or, alternatively, at least five years' professional experience.

Belgian inspectors receive support from the labour inspectorate contact centre (a helpdesk and knowledge centre). Belgium also uses mentoring: new recruits are paired with experienced inspectors who apply the 'train the trainer' principle.

In **Norway**, a mentoring scheme is not only aimed at new employees, but also experienced employees before they are assigned criminal inspections.

Source: European Platform tackling undeclared work. Contributions during the thematic review workshop on future role and competence profile of Labour Inspectorates, 26-27 June 2019, Vilnius, Lithuania

Figure 3 describes the approach of Norway's Labour Inspection Authority (FiA) to the initial and continuous training of work-related crime inspectors, lawyers and leaders, which is a good example of the above listed four areas of change in training systems.



All FiA employees participate in the inspectorate's first year induction programme. This consists of basic training and a sponsorship scheme whereby each employee must have a sponsor, buddy or mentor. Following this, the main learning takes place on the job, whereby new staff members resolve issues and work on tasks together with their sponsors and other colleagues.

Performance measurement

The HR response to the new skills needs also needs to find ways to motivate inspectors and support them in improving their competences. This calls for developing performance management systems. Individual evaluation ensures motivation and also helps in identifying the need for further training/coaching on weaknesses. In public services where civil servants are subject to a centralised employee evaluation scheme, specific SMART¹³ objectives for inspectors may need to be developed, especially cross-border inspectors, tailored to the specific needs of the labour inspectorate and the specific tasks of each inspector. This can help maintain motivation and reduce the risk of stress and burn-out. Job satisfaction surveys may also be, used to develop or revise HR strategies.

Job attractiveness and staff retention

Attracting and retaining staff, and particularly inspectors, can be challenging for labour inspectorates. This is because inspectors often need to work evenings or holidays, and during inspections can face confrontation or verbal abuse that can lead to high staff turnover.

To counterbalance the risk of high staff turnover, highlighting the advantages of the inspector position - such as flexible and autonomous working - can help attract and retain people. Other factors that can be highlighted are the benefits of working in a public organisation, as well as opportunities for flexible working hours, training opportunities and transparent career development structures may also help retain staff.

Some authorities have found that performance-related bonus schemes may also help attractiveness, retention and ensuring inspectors are aligned to organisational KPIs.

5. New role division within labour inspectorates

5.1. Structure of labour inspectorates

The institutional structure of labour inspectorates varies considerably across the EU. Some are generalist, with their mandate covering working conditions, health and safety and responsibility for detecting and combatting undeclared work, while others more specialist (see table below). There are various remits, levels of independence from responsible ministries and different needs in how to shape future roles and competencies related to fighting undeclared work. But they do face similar, broader challenges, including budgetary constraints, digitalisation and the need to monitor new forms of work.

In many cases, the labour inspectorates are part of the ministry for labour and/or social affairs¹⁴ or an arm's length agency of the responsible ministry. Some have tri-

partite representation on their board. A main distinction is their degree of independence from the Ministry, and whether they are decentralised or whether they operate directly under the competence of central government administrations.

Another fundamental aspect is the degree of independence from centralised or common decision-making processes regarding recruitment and HR policies. For instance, in some countries, public bodies may be required to follow general civil service regulations that may constrain recruitment, remuneration, training and other aspects of HR policy.

The table below outlines a basic typology of labour inspectorates.

Table 8: Different types of labour inspectorates

Types of inspectorate	Structure
	Have a broad mandate that addresses elements of employment and industrial relations issues – including working conditions, health and safety and often includes responsibility for detecting and combatting undeclared work.
	Some generalist inspectorates also have competence for social security.
	Two main models of generalist inspectorates exist in Europe:
Generalist inspectorates	Some countries (such as Belgium, Czech Republic, Greece, Italy ar Romania) have a single Labour Inspectorate but they have tw categories of inspectors: those who deal with social and labou legislation and those responsible for occupational health and safe and working conditions.
	In other countries (France, Hungary, Poland and Spain) inspecto assume the whole spectrum of competences given by law.
Specialist inspectorates	Have a mandate restricted to occupational health, safety and work environment.

Source: European Federation of Public Service Unions - EPSU, (2012). A mapping report on Labour Inspection Services in 15 European countries

Box 16. Examples of the internal structures of labour inspectorates

In **Belgium**, the labour inspectorate is the responsibility of the Federal Public Service Employment, Labour and Social Dialogue Division; the labour inspectorate is divided between several federal public services and also within the various services according to the scope of competences given to the different labour inspectors.

Spain employs generalist inspectors and subinspectors, cross-cutting and working in all areas of the inspection. In some medium and in the large regional offices, there are specialized units addressing some specific areas.

In **Germany**, OSH labour inspections are carried out by the respective authorities of the 16 Federal States (*Länder*). Undeclared work is not controlled by the labour inspectorates but by the Federal Customs Agency (Zoll).

Source: European Federation of Public Service Unions - EPSU, (2012). A mapping report on Labour Inspection Services in 15 European countries

5.2. The need to adjust role division and strengthen cooperation

Moving towards a preventive approach has made tasks more complex and, where this coincides with resource constraints, it demands an adjustment in the division of roles and staff within labour inspectorates.

Some countries have changed role division, as illustrated in the example below.

Box 17. Examples of role division in Norway and Lithuania

In **Norway**, the labour inspectorate has recognised the need to restructure (and to keep restructuring if necessary) to meet future needs. A reorganisation of the labour inspectorate moving from a regional structure to one based on functions is ongoing.

The inspectorate saw the need to reorganise the communications and guidance functions. A central communications unit previously existed, responsible for all communications tasks, including information campaigns, answering newspaper articles, providing information etc. To respond to the new tasks facing of the labour inspectorate, the communications unit is being reorganised from a single 'advice box' to being split into five separate departments. Considering the human resources implications, the inspectorate is allowing adequate time for change management: starting in January 2020, it will take two years to implement the restructure and it is considered

likely that a further two years is needed to develop competence, to connect everyone, to learn to work in a new type of organisation and to support staff in the transition. The next two years will also revolve around a 'competence project' where today's competences and future competence needs will be mapped. A report has already been produced on how competences should be implemented in the new organisation.

Source: European Platform tackling undeclared work. Presentations at the follow-up visit: future role and competence profile of Labour Inspectorates, 1 October 2019, Madrid, Spain

Lithuania established a division staffed only by specialist lawyers which offers information via multiple channels, including phone, face to face, videocalls, Facebook and video. This approach clearly separates inspection and communication functions. The labour inspectorate itself was restructured in May 2019. A wider restructuring of government services had already taken place in 2018, through which all public bodies, including the labour inspectorate, separated institutional functions into 'specific' and 'general'. The labour inspectorate maintains its mission to monitor the labour market, while functions such as recruitment and employment contracts are managed by a crossgovernmental HR unit.

Source: European Platform tackling undeclared work. Contributions during the follow-up visit: future role and competence profile of Labour Inspectorates, 1 October 2019, Madrid, Spain

TIP: To overcome challenges related to new role division, good leadership, a roadmap for transitioning to the new role division, and the: development of tailored, appropriate training are key to a seamless and effective transition.

Where resources are limited, innovative approaches need to be found. These can include collaborating with other authorities, sharing specialist resources, working with social partners and capitalising on their expertise and local knowledge.

For cooperation to work, organisations need aligned priorities, clear mutual understanding and clearly defined roles. On-going dialogue with clear channels of communication will help develop the fundamentals of a trusted relationship.

5.3. Internal division of roles



Establish if the inspectorate requires more ဇာဇ္ဂ်ာဇ္ဂ specialism

The traditional question in allocating roles within labour inspectorates is whether to have specialised units focusing on specific branches of industry or types of inspection, or to have inspectors with general competences that apply to most areas and tasks. There

is no clear trend in Europe regarding the choice of further specialisation or generalisation, but it is evident that both specialised and generalist inspectors are still needed.

For example:

- In Sweden, inspectors have gone from being specialised in specific sectors of industry towards being more generalist, however, a new permanent unit was established to focus on fraud detection.
- Belgium also created specialised teams for undeclared work while also maintaining teams of generalists. Some enforcement authorities have established a dedicated unit for fraud detection and had to adjust the role division between generalist and specialised inspectors to staff these units.

Ensure appropriate allocation of responsibilities

An example of new challenges in revising role division is establishing units which can take on some of the advice and information role and allow inspectors to focus on other tasks.

For instance, call centres can hire and train generalists or use highly trained and experienced inspectors (depending on available resources – there is no one size fits all) and at the same time ensure that the information provided is accurate. The main challenges are:

- How to quality assure the responses provided in terms of correctness and consistency of answers;
- How to ensure the optimal allocation of requests for information between a central unit equipped for answering routine questions, and inspectors who are able to answer more specific or specialised questions;
- How to motivate experienced inspectors to pass on the information they have and update callcentre staff regularly, so that more questions can be answered at entry level.

Consider risk assessment in the role of inspectors

The development of risk-analysis methods also demands an adjustment in the role of inspectors. The local knowledge of inspectors about particular firms or fraudulent practices is no longer enough to effectively detect non-compliance in new forms of work and for keeping up with rapid economic change and new types of fraud. This implies that systematic risk assessment must be delegated to a specialised unit, while inspectors continue to contribute to the analysis. The importance

of keeping inspectors involved was recognised by the Norwegian inspectorate when they shifted the focus of risk assessment from at-risk sectors to fraudulent entities and actors.

Consider cross-border specialism (in larger organisations)

Creating a special division for cross-border controls, may make sense in large organisations (as, for example in the case of France). While the special division may be established as a permanent structure, team members may be rotated between the cross-border unit and other regular inspection units or delegated to the team, on a project by project basis.

5.4. Cooperation between labour inspectorates and other local, regional or national partners

Labour inspectorates can effectively work together with other stakeholders, such as other national and regional agencies, tax and social security enforcement authorities and the social partners and share a common strategy to define and implement preventive measures.

Collaborate with other agencies to maximise resources

Stakeholders with a similar mission can help develop prevention or information campaigns (and related trainings) and several countries have recently adopted this approach (including Belgium, France, Lithuania, Portugal, and Slovenia). Support from the social partners and other institutional authorities sharing the same goal may also help 'influence' policymakers and budget authorities. When assessing the mission, vision and objectives of a labour inspectorate, social needs, the labour market, the need for compliance, worker's protection, level playing field for undertakings, more income for the treasury and social security all need to be taken into consideration, as well as showcasing how enforcement authorities could contribute positively.

In addition, cooperation with a wide range of external partners may complement limited labour inspectorate resources in the areas of information provision and prevention. Partners can include other public authorities with a similar mandate, trade unions, employer representative organisations¹⁵, advocacy and research organisations.

The following box presents examples of cooperation with external partners for risk assessment and training, in Belgium and France respectively.

¹⁵ Note that employers' chambers have an intrinsic motivation to fight against non-compliance as offenders can cut the cost of production and this gives them an unfair competitive advantage.

Box 18. Cooperating with external partners in Belgium and France

Belgium: Improving cooperation in risk assessment

In **Belgium**, enforcement authorities recently underwent major restructuring. The restructuring entailed merging the inspectorates dealing with social contributions and setting up a new institute, the Social Intelligence and Investigation Service (SIOD) with a more strategic role. SIOD develops risk assessment to improve the targeting of inspections and conducts interdisciplinary analysis of labour market phenomena and emerging fraud schemes. To improve risk assessment, SIOD has an agreement with the University of Leuven and funds a Chair in the University. Combined risk assessment teams were created, bringing together university researchers with inspectors to ensure that research is grounded in practice as well as theory.

SIOD also coordinates 'flash controls' five to six times a year. These flash controls are mainly informative and preventive and are published on their website and communicated to the social partners. There are also checklists available on the website to pre-warn employers of what will be checked during these flash controls. Social partners can use this information to promote compliance amongst members.

Belgium has also created a structural and permanent cooperation mechanism involving the enforcement authorities in the area of working conditions, social security and taxes where 21 district cells meet once a month, headed by the public prosecutor. The cell organises two days of multidisciplinary inspection by the regional intervention groups (GIR) every month, under the annual plan defined by the Social Information and Investigation Service (SIRS).

Source: European Platform tackling undeclared work. Presentations from the thematic review workshop on future role and competence profile of Labour Inspectorates, 26-27 June 2019, Vilnius, Lithuania

France: Inter-institutional training

As part of the missions devolved to the National Delegation for the Fight Against Fraud (DNLF) and in connection with the Directorate General of Labour (DGT), the National Institute of Work, Employment and Vocational Training (INTEFP) offers training to all staff working in different bodies involved in the fight against undeclared work.

This training is based on pooling professional practices from a mixed group of professionals involved in the fight against undeclared work. Its main objective is to promote sharing of knowledge, analysis, tools, skills and working methods between the participants from different bodies. The training modules are intended for the staff of all social protection bodies including special schemes, administrations or organisations

members of CODAF (Labour Inspection, social security organisations, agents and judicial police officers, services taxes, customs, transport, etc.). Training modules are developed in close collaboration with the DNLF and all the institutional partners.

The offer of inter-institutional training complements that developed internally by the various institutions in charge of the fight against undeclared work. For the INTEFP and the decentralised services of the Ministry of Labour, this training is made available by the National Offer for Continuing Education.

Lastly, INTEFP contributes to 'awareness-raising actions in the fight against ephemeral societies' implemented by the National School of Public Finance (ENFIP) (co-animating DGFIP and non-DGFIP trainers) and continues this collaboration since 2017.

Source: Direction Générale du Travail, France

5.5. HR Strategy

It is important that the reallocation of roles is embedded in a broader HR strategy and is consistent with other, equally important goals, such as diversity and gender balance.

A modern labour inspectorate needs to have a clear HR management strategy consisting of the following central elements:

- definition and description of qualification and competence profiles for all functions at all organisational levels; these profiles are made accessible to all employees;
- on-going analysis of the organisation's HR capacity and forecasts of future requirements;
- flexible recruitment methods that enable the filling of all vacancies on all organisational levels in strict accordance with these profiles; regional/ local offices should take part in the recruitment decision in case of their own staff;
- an initial training plan for new employees upon entry that recognises that specific qualifications are typically accompanied by varying skills and includes the use of mentoring and coaching programmes as informal training procedures;
- ▶ a further training and career development plan that is strictly skills-based and incorporates a life-cycle approach, taking into account work-life balance, ageing of the workforce and an active management of diversity. Its implementation in the organisation is monitored systematically (e.g., by employee satisfaction surveys).

Examples of how this can be done are provided in Box 19.

Box 19. Developing a new HR strategy in Sweden

Sweden is currently rolling out an HR strategy to respond to changes in the labour market that pose new risks for expanding undeclared work, in addition to old risks.

The HR strategy is built around the need for generalist (not sector specific) inspectors; new risk assessment methods, a new communication strategy and new ways of reaching out. All of these require new training to be developed for inspectors. The strategy for developing and maintaining competences has implications for attracting and recruiting employees, supporting their professional development and retaining them. The current HR development strategy outlines five priority areas:

- develop 'employeeship' (understanding each employee's role within the organisation);
- develop and strengthen leadership skills;
- change management;
- develop a learning organisation;
- gender and gender-equality questions.

Example of diversity policies in Belgium and France

Making the most of the advantages offered by staff diversity, **Belgium** and **France** have hired citizens from third countries as inspectors, including people with **Moroccan, Turkish, Romanian** background. Such diversity can be a big advantage for handling specific cross-border cases, since they understand more than one culture. Having diverse staff in terms of gender, ethnic origin, age and other parameters can also generate better acceptance of inspectors in a globalised working world.

Source: European Platform tackling undeclared work. Contributions during the thematic review workshop on future role and competence profile of Labour Inspectorates, 26-27 June 2019, Vilnius, Lithuania

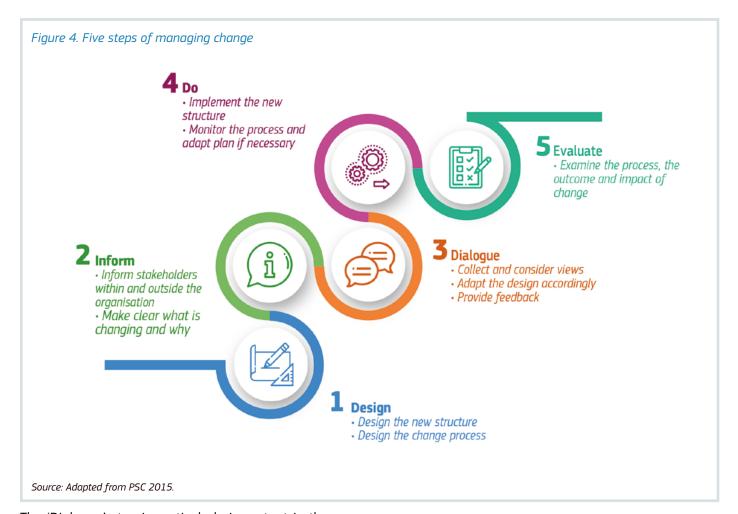


Effectively communicate the changes

Changing the division of roles within the enforcement authority or cooperating with external partners may demand considerable adjustments within the organisation. This calls for a systematic approach to managing change and change management skills by senior management. Change management focuses on supporting those who will be affected by changes in the transition from performing 'old' functions to 'new' functions. This involves communicating the changes, training and coaching people and managing resistance.

More specifically, the main steps of a change management approach are summarised in Figure 4 below.¹⁶

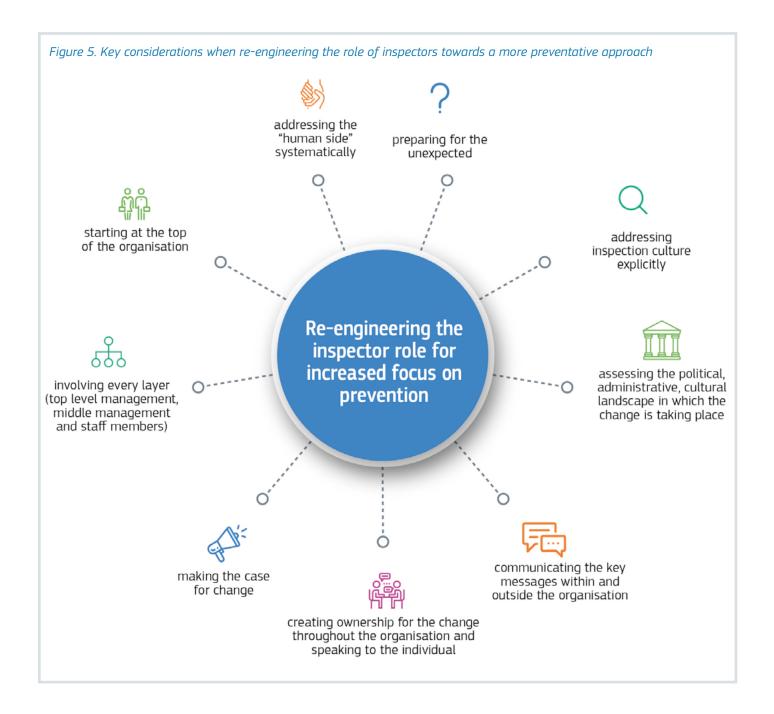
¹⁶ There are several competing change management models but most of them build on the three stages proposed in Kurt Lewin's original model (REF): unfreezing, changing and freezing.



The 'Dialogue' step is particularly important in the case of enforcement authorities, considering that labour inspectors fulfil complex roles and also, by the nature of their role, tend to have highly autonomous attitudes. Accordingly, the chance of success can be greatly increased if inspectors' field experience is considered and if they can actively participate in shaping the change process. This helps create ownership of the change throughout the organisation.

The 'Do' and 'Evaluate' steps need to be interlinked to ensure that reflections on the process and the outcomes are fed back to the implementation plan and also that the process can respond to unexpected developments.

A pitfall for labour inspectorate reforms to be avoided, is reforms being criticised as too 'top-down' and not adequately accounting for the shifting relationship between the central and local levels. Reforms need to adequately account for the shifts caused by new internal structures, new specialised units or new specialisations for inspectors. Key considerations to avoid change generating conflicts and demotivating inspectors in their daily work, are illustrated in Figure 5 below.



An example of how change management has worked in a labour inspectorate in practice is in Box 20.

Box 20. Managing change in the labour inspectorate in Norway

Recognising the increasing speed of change in the labour market, the **Norwegian** enforcement authority embarked on a major reorganisation in 2017 in order to strengthen its adaptive capacity. The process started by an assessment of current and expected challenges, an analysis of demand and a mapping of existing competences in the institution. Based on this assessment they developed a vision of the new organisation, which was thoroughly discussed within the organisation and also with the main stakeholders, such as unions.

One element of the new setup was to centralise the communication function and to strengthen HR management. The change process is gradual and carried out in the framework of a dedicated "implementation project". In the first phase, the central unit of "communication and user dialogue" was established out of the former regional units, and divided into five functional units. The next phase will among other things include a "Competence project", coordinated by a 3-member team of training specialists within the HR department, with the aim to ensure that competences match the needs identified in the planning phase and also to support the adaptivity of the organisation.

Source: European Platform tackling undeclared work. Presentations during the follow-up visit: future role and competence profile of Labour Inspectorates, 1 October 2019, Madrid, Spain

6. Taking the next steps

External challenges and the shift towards a more holistic approach have wide-ranging implications for the skills needs and HR management practices of labour inspectorates. This toolkit has outlined some HR solutions in four areas: risk assessment, communication, inspections, and the new division of roles that inspectorates may adopt.

Beside the skills that are specific to each area, there is a general increase in the need for soft skills and for IT skills. These two types of skills are most often lacking in the existing staff of labour inspectorates. Ensuring the adequate supply of these skills calls for adjustments (or new investment) in the hiring processes, in initial and continuing training systems as well as in performance management.

Labour inspectorates operate in different country and institutional contexts with different approaches to initial and continuous training for their staff. Nevertheless, this toolkit, along with previous toolkits and studies published by the Platform can be useful in different contexts, by providing a framework for reflection and pointers to possible solutions and inspiring good practices. However, it is important to carefully consider the transferability of any good practice, and especially the preconditions embedded in the institutional context.

The Platform supports different formats of mutual learning between members and observers. All provide opportunities to share and learn from good practices. Staff exchanges are flexible and allow labour inspectorate staff to gain a more detailed view of practices in other countries.

Labour inspectorates need to respond to and embrace change, particularly now that changes in the labour market are accelerating. Several organisations have already embarked on major reorganisation or significant adjustments. Some inspectorates have not yet taken measures but are aware of the need for change. In the latter case, the first step may be to assess the challenges faced by the organisation, collect the evidence and convince policymakers of the pressing need for change. Further support (technological, capacity-building and financial) at the European level may also be necessary.

Annex 1

EXAMPLES OF JOB ADVERTISEMENTS

Three examples of job advertisements are included in this annex for:

- A data focused inspector (with IT skills for risk assessments);
- A cross-border inspector; and
- A call centre staff member.

The examples are based on real job advertisements that Platform members have shared and have been informed by the discussions during the two events that have fed into this toolkit. The aim is to give example job advertisements that highlight key requirements for each of the above posts, which labour inspectorates can use as a basis for adapting to their own needs.

Entry Level Inspector

Title of vacancy: Inspector, entry level

Job content:

The position entails:

- Independent processing of information and investigation of data that may be of complex or sensitive nature:
- Planning and performance of labour inspection visits in a defined area, checking compliance with labour legislation and regulations applicable in each case, reporting;
- Recommending the imposition of administrative sanctions and imposition of penalties as appropriate;
- The job involves coming into contact with employers and employees, trade union organisations, judicial authorities, lawyers and other public agencies or services;
- Providing relevant advice and information to employers and employees on labour law provisions, obligations and rights;
- Responsibility for reporting on inspections and providing data on their activity.

Essential skills and qualifications:

- 2 years of prior work experience;
- University degree in law;
- Fluency in (one of) the national language(s):
- Confident use of ms word, excel, integrity;
- Soft skills such as ability to work independently, ability to work under pressure;
- Attitudes of integrity, conscientiousness and reliability, ability to work in a transparent, honest and objective way, respecting confidentiality and avoiding any form of partiality;
- Strong communication skills;
- Strong analytical skills, ability to critically assess information;
- Decision-making skills;
- Openness to working flexible hours and weekends as inspections must sometimes be carried out in the evening, at night or during the weekend.

Desirable skills and qualifications:

- Degree in law, economics, or accounting;
- Work experience in the private sector;
- Driving licence;
- Cooperation skills;
- Fluency in one additional language;

- Basic knowledge of relevant legislation;
- Ability to create and promote the group spirit by sharing your opinion and ideas and by contributing to the resolution of conflicts between colleagues;
- Ability to solve problems independently, look for alternatives and implement the solution.

The recruitment process will involve the following stages (as appropriate):

- Screening test(s) for general skills and/or jobspecific skills;
- Telephone interview;
- Psychometric test to assess soft skills;
- Face to face interview(s).

Only candidates succeeding in each stage of the recruitment process will progress to the next stage.

Training offered:

Successful candidates will participate in skills assessment and will be offered modular training in the following areas, as necessary:

- Acquiring and constantly updating knowledge of relevant legislation;
- Use of IT applications;
- Using tools for risk assessment;
- ▶ Holistic inspection methods, provision of information and advice to client groups.

The position offers flexibility in working hours, possibilities for some working from home, and opportunities for personal development and career advancement.

Equal opportunities are ensured for all candidates.

Cross-border inspector

Title of vacancy: Cross-border inspector

Job content:

The position entails:

- Participation in international cooperation in the field of labour inspection, performance of crossborder labour inspection;
- Independent processing of information and investigation of data that may be of complex or sensitive nature;
- Planning and performance of labour inspection visits in a defined area, checking compliance with labour legislation and regulations applicable in each case;
- Recommending the imposition of administrative sanctions and imposition of penalties as appropriate;
- The job involves coming into contact with employers and employees, trade union organizations, judicial authorities, lawyers and other public agencies or services in own and other countries. Collaboration as part of the establishment of mixed inspection teams is also entailed;
- Responsibility for reporting on inspections and providing data on their activity.

Essential Skills and Qualifications:

- 5 years prior experience in a relevant area of enforcement or inspection;
- university degree;
- fluency in (one of) the national language(s) plus one additional language;
- confident use of MS Word, Excel;
- attitudes of integrity, conscientiousness and reliability;
- ability to work independently;
- ability to work under pressure;
- strong communication and cooperation skills;
- analytical skills;
- openness to working flexible hours and weekends.

Desirable Skills and Qualifications:

- interest in working in international teams;
- inter-cultural awareness;
- fluency in English (in addition to two labguages required above);
- prior experience in a relevant sector of the economy:
- prior experience from working abroad or from working in international teams.

The recruitment process will involve the following stages (as appropriate):

- Screening test(s) for general skills and/or jobspecific skills;
- Telephone interview;
- Psychometric test to assess soft skills;
- Face to face interview(s).

Only candidates succeeding in each stage of the recruitment process will progress to the next stage.

Training offered:

Successful candidates will participate in skills assessment and will be offered modular training in the following areas, as necessary:

- acquiring and constantly updating knowledge of relevant legislation (both for the home country and in other countries, as necessary);
- use of IT applications;
- using tools for risk assessment;
- holistic inspection methods, provision of information and advice to client groups;
- language learning;
- teamworking.

The position offers flexibility in working hours, possibilities for some working from home, and opportunities for personal development and career advancement.

Equal opportunities are ensured for all candidates.

Call Centre staff member

Title of vacancy: Call Centre staff member

Job content:

The position entails manning a call centre, providing advice and information to employees, employers and the wider public about their rights and obligations, recording complaints, collecting and disseminating information, collaboration with other units and staff of the labour inspectorate.

Essential Skills and Qualifications:

- at least secondary educational qualification;
- fluency in (one of) the national language(s);
- basic experience in using IT applications;
- very strong communication and cooperation skills;
- ability to handle stress and conflict situations;
- multitasking abilities.

Desirable Skills and Qualifications:

- legal qualifications;
- basic knowledge of relevant legislation;
- experience in using advanced IT applications;
- experience with using advanced information systems;
- fluency in English;
- experience in customer relations or personal services.

The recruitment process will involve the following stages (as appropriate):

- Screening test(s) for general skills and/or jobspecific skills;
- Telephone interview;
- Psychometric test to assess soft skills;
- Face to face interview(s).

Only candidates succeeding in each stage of the recruitment process will progress to the next stage.

Training offered:

Successful candidates will participate in skills assessment and will be offered modular training in the following areas, as necessary:

- the legal background of inspections;
- use of IT applications;
- using tools for risk assessment;
- effective communication skills;
- conflict resolution.

The position offers flexibility in working hours, opportunities for working from home, and opportunities for personal development and career advancement.

Equal opportunities are ensured for all candidates.

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