



Factsheets on Existing Tools to Address Undeclared Work

Title of the tool in English (Title in original language)	Code of Practice for Determining Employment or Self-Employment Status of Individuals (Social Partnership Agreement)
Country / geographical coverage	Ireland
Type of tool	Information material, handbook
Scope of the tool	Nationwide tool
Short description	
<ul style="list-style-type: none">Key objectives and intended use (content, membership, topic coverage)	<p>The Code is a classification of the characteristics and the differences between employment and self-employment. It is intended to guide employers and individuals to properly assess their employment status, which has implications in terms of their health and safety responsibilities, social security and taxes. The Code serves as a prevention tool for undeclared work as it flags to individuals who have registered as self-employed that according to the law, their status is more in line with that of an employee, and if not altered amounts to undeclared work. An important feature of the Code is that it has been developed in very wide partnership between the government, social partners and other stakeholders.</p>
<ul style="list-style-type: none">How the tool operates in practice - key practical takeaways for other Platform members	<p>This Code was prepared as a leaflet by the Employment Status Group set up under the Programme for Prosperity and Fairness. The group was created due to a growing concern that an increasing number of individuals get categorised as 'self-employed' whereas the indicators suggest the status of an 'employee'. Such a practice provided various possibilities for undeclared work practices in the country. The leaflet has been updated in 2007 by the Hidden Economy Monitoring Group, formed from representatives of both private and public entities under the Towards 2016 Social Partnership Agreement. The latter was signed between Government officials and the social partners. The purpose of the document is to eliminate misconceptions and provide clarity, and it states explicitly that its aim is not to bring individuals, who are genuinely self-employed, into employment status.</p> <p>The Code is divided in four thematic fields, providing different information in terms of employment specifics. The first section presents the criteria which classify a</p>

	<p>person as an employee, and the additional factors that need to be considered if the former is unknown or unclear. The second section lists the criteria which a person needs to fulfil in order to be self-employed, along with additional factors. The third section provides explanation on why the difference between declaring oneself as an employee or as a self-employed is crucial for the tax and social authorities and what consequences may arise from a misstatement. The last section provides the contact details to the relevant tax and labour authorities, which can be consulted on the issues outlined in the Code.</p>
Background	
<ul style="list-style-type: none"> • Authorities/bodies/organisations involved in its elaboration 	Hidden Economy Monitoring Group: Employment Status Group, formed under the Prosperity and Fairness Programme, signed by representatives of the Government, employers' associations, trade unions, farmers, and the community and voluntary sectors.
<ul style="list-style-type: none"> • Targeted groups or institutions 	Individuals, who are not sure about their employment status.
<ul style="list-style-type: none"> • Start date and duration 	2007, ongoing
<ul style="list-style-type: none"> • Short assessment of transferability potential in the EU 	The leaflet can be easily replicated in any country, which treats the employed and the self-employed differently for tax, social security and labour purposes. For it to be effectively implemented though, it would require support from all concerned stakeholders as has been the case in Ireland.
Sources (provide links if available online)	http://www.welfare.ie/en/Pages/Code-of-Practice-for-determining-Employment-or-Self-Employment.aspx
Metadata and key words for online search	social partnership, employment status, self-employment status, Ireland, bogus self-employment.