

Follow-up meeting: Successful approaches of cooperation between labour inspectorates and social partners

22 July 2021, Online

Summary

The aim of the follow-up meeting on successful approaches of cooperation between labour inspectorates and social partners was to formulate practical recommendations on how to establish and implement cooperation between labour inspectorates and social partners. The meeting further extended the discussions during the thematic review workshop (TRW) 'Successful approaches of cooperation between labour inspectorates and social partners' on 22-23 June 2021.

The event brought together 16 participants from 12 countries, representing labour and social security inspectorates, ministries of labour as well as European level social partners, representatives from Eurofound and the European Labour Authority.

As already outlined during the TRW, there is considerable added value when social partners and labour inspectorates cooperate in tackling undeclared work, building on the common interest to promote fair and well-functioning labour markets. Successful collaboration increases knowledge and data sharing and enables better and direct communication to employers and workers.

The follow-up online meeting firstly explored specific examples of establishing successful collaboration between labour inspectorates and social partners to tackle undeclared work in Belgium, the Netherlands and in Norway. Then, participants exchanged information, challenges and solutions on establishing cooperation, assessing common risks and implementing joint measures.

Successful collaboration between social partners and labour inspectorates

Establishing effective cooperation and building trust between labour inspectorates and social partners is often a lengthy process. The main collaboration drivers are mutual trust, respect for each other's mission, common goals, and a high political and operational commitment to tackle undeclared work holistically. These aspects were described in the following examples during the event:

In Belgium, bipartite and tripartite agreements are well-established to prevent undeclared work and unfair competition. The Belgian Plans for Fair Competition, tripartite negotiations with the government and social partners, define the main issues in a sector, but also outline the political intention to find solutions or potential simplifications of legislation and regulation in the sector. There are eight Plans for Fair Competition for the following sectors: construction,¹ road transport, electronics, cleaning, agriculture and horticulture, metallurgy, funeral and carwash services. In order to agree on common goals and actions in the Plans for Fair Competition, public authorities had several individual and joint meetings with social partners, which resulted in written agreements. Bilateral agreements between the social

¹ See for example here: [pec_bouw_08072015_nl.pdf](https://pec.bouw_08072015_nl.pdf) (belgie.be)

partners and labour inspectorates are also statutory and, in that framework, sectoral guidelines are developed to ensure smooth cooperation along each others' mandate. For instance, the guides explain the content of inspections for a specific sector.

The Netherlands presented a successful case of cooperation between labour inspectorates and social partners in the temporary agency work sector. Partners set up an agreement to determine which type of information can be exchanged with the aim of providing insight on suspected undeclared work practices. However, data protection rules can frequently hinder the amount of information shared. Additionally, social partners in the sector can carry out inspections and share outcomes with the labour inspectorates. The labour inspectorates can then inspect and impose penalties for identified infringements.

In Norway, tripartite agreements in the cleaning, road transport, restaurant, and car services sectors involve all relevant authorities and social partners to agree on common risks, joint campaigns, training and inspection targets. The Norwegian Ministry of Labour and Social Affairs provides funds to support the activities of the agreements. While money is allocated to the labour inspectorate, the social partners must still give their consent on how the funds are spent. All stakeholders involved meet once a month to agree on the content of the agreements and to determine the obligations of each party.

Key messages from the discussion:

- ▶ Cooperation between labour inspectorates and social partners needs to establish clear guidelines and tasks, including responsibilities for the ways of detecting, inspecting and following up infringements. In order to create 'win-win' situations, labour inspectorates can start with separate meetings with trade union and employer organisations. This also allows cooperation partners to understand each others' mandates and goals. Information shared during the meetings can be used to draft tripartite agreements and identify common goals and strategic plans to address undeclared work commonly.
- ▶ Political support, such as in general tripartite agreements between the government and social partners, can enhance more operational collaboration between labour inspectors and social partners. For example, tripartite agreements can provide funding and support to practitioners at local level. This can ensure constant formal and informal exchange on identified undeclared work trends and potential solutions. Moreover, success in one sector can lead to cooperation in another. For example, the Belgian Plans for Fair Competition incentivised social partners in other sectors to approach the government for an agreement.
- ▶ No joint risk assessments between labour inspectorates and social partners exist, but in some countries social partners provide input into risk assessments. For instance, in Norway, externally funded studies are often used by all stakeholders to assess risks. In Belgium, the labour inspectorate and security authorities ask social partners for criteria to consider in their risk assessment.
- ▶ Yet, all participants mentioned that social partners provide tips or insights on irregularities and infringements at work sites which can lead to targeted and more efficient inspections, notification letters to specific companies and/or preventative measures.
- ▶ In turn, social partners are in most cases updated on the general work of the labour inspectorate, and use the information provided by the labour inspectorate to inform businesses and workers.



- ▶ A prerequisite for implementing joint measures to tackle undeclared work is developing formal (to share sensitive data) and informal channels of exchanging information between labour inspectorates and social partners.
- ▶ Joint information tools developed by labour inspectorates and social partners include information campaigns that focus on specific sectors or groups of workers. Social partners often advise on the content and sectoral insight for the campaigns.
- ▶ In some countries like Slovakia, Norway or Greece labour inspectorates cooperate with social partners who also implement their own inspections. However, social partners have fewer enforcement roles, but rather provide information to workers on the spot and/or report irregularities to the labour inspectorate.

Further information: The Platform will publish a learning resource paper and a toolkit from the TRW, which discusses the issues outlined above in greater detail.