



European Platform
tackling undeclared work



SUCCESSFUL APPROACHES OF COOPERATION BETWEEN LABOUR INSPECTORATES AND SOCIAL PARTNERS

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1. Introduction

1.1 Aim and objectives of the toolkit

Labour inspectors and social partners (employers' organisations and trade unions)¹ both have the common aim to promote fair and well-functioning labour markets. Labour inspectors supervise labour laws, working conditions, occupational health and safety, while social partners protect workers' rights and the interests of the employers. On an EU-level, cooperation between labour inspectors and social partners promotes better enforcement of EU mobility rules.

However, there are often challenges for collaboration, such as limited capacity and resources, legal restrictions and differences in competences, or lack of motivation to cooperate. Thus, a holistic approach is needed to tackle undeclared work, by joining-up the efforts of public authorities and social partners and pursuing the full range of policy initiatives (together where feasible) to transform undeclared work into declared work.²

This toolkit³ therefore aims to promote the cooperation

between labour inspectorates and social partners. It offers practical steps in four sections: establishing partnerships, assessing undeclared work risks together, joint deterrence and prevention measures, and evaluating cooperation. The text highlights the benefits for both, labour inspectors and social partners, to engage in co-operation.

When following the steps outlined in this toolkit, practitioners need not forget that trust is the key ingredient to successful cooperation between social partners and labour inspectorates. It needs to be nurtured every step of the way, involving both formal and informal exchange of views and joint actions. Trust takes time to establish, and could be a topic on its own when developing agendas for cooperation. Some of the key ingredients for developing trust-based cooperation include setting common goals, regular and open conversations, respecting each other's mission and tasks, and recognising the mutual value of tackling undeclared work from different perspectives.

1.2 Who is the toolkit for?

The toolkit advises labour inspectorates and social partners who want to establish or improve cooperation. Section 2 guides national policymakers establishing cooperation activities and how to strategically address tripartite dialogue to stimulate partnership at an operational level. Section 3 provides tips on how to exchange information to assess risks jointly with social partners. Section 4 is ded-

icated to the specifics of setting up joint deterrence and prevention measures, while section 5 explains the need for regular monitoring and evaluation of the cooperation activities for future improvement. Section 6 concludes the toolkit with suggestions on how EU and national-level support could further enhance and promote cooperation between labour inspectorates and social partners.

¹ Social partners can be understood as organisations representing workers (also referred to as trade unions) or employers at regional, national or European level, that are engaged in "social dialogue" (i.e. the discussion and negotiation of wages, working conditions, training, etc.).

² The Glossary of Terms of the European Platform tackling undeclared work defines the holistic approach as: "Where national governments use a whole government approach to tackle undeclared work, by joining-up on the policy and enforcement level of both strategy and operations the fields of labour, tax and social security law, and involve and cooperate with social partners and other stakeholders. This approach involves using the full range of direct and indirect policy measures available to enhance the power of, and trust in, authorities respectively. The objective is to transform undeclared work into declared work in an effective manner." European Platform tackling undeclared work, (2021). Glossary. Available at: <https://ec.europa.eu/social/main.jsp?catId=1323&langId=en>

³ The toolkit is part of a mutual learning process based on a thematic review workshop, a learning resource paper and a follow-up visit on the same topic.

2. Establishing cooperation between labour inspectorates and social partners

2.1 Mutual benefits from cooperation

Cooperation between labour inspectorates and social partners combines investigative powers of authorities and social partners' local workplace insight, enabling a direct contact to workers and employers.⁴ Most importantly successful cooperation reinforces trust, which is a key ingredient for cooperation. Some of the identified benefits collaboration brings to promote declared work are described in the table below.

Table 1. Benefits for labour inspectorates when cooperating with social partners

Expertise from social partners	Benefits of cooperation with social partners
Knowledge of workplace practices, and existing fraud schemes in the respective sectors	► (Swift) identification of risks in certain sectors, legislation loopholes and opportunities for improved enforcement
	► Support for the design and implementation of appropriate preventative and deterrence approaches, based on social partners' knowledge about the needs and challenges that certain groups of workers face (e.g., women, young people, migrants)
	► Support the review of the mandate, governance and efficiency of measures in enforcement authorities
Direct link to workers and employers	► Safe and accessible channels for reporting fraudulent practice
	► Provision of current information on new labour market phenomena and undeclared work risks
Coherent interpretation and effective monitoring of compliance with collective agreements, as in certain Member States, social partners (in particular trade unions) negotiate, interpret, monitor and enforce collective agreements	► Easier communication and dissemination of information / legal advice to employers and workers
	► Raise key challenges to monitor collective agreements (e.g. based on direct observations, usually by trade union members at the workplace). Employers' organisations and trade unions provide their harmonised views on negotiated/renegotiated collective bargaining agreements ⁵
	► Contribute to the effective enforcement of working conditions and working time, as well as guaranteeing the payment of fair wages and social security contributions.

Source: CSD / ICF, based on European Platform tackling undeclared work, (22 - 23 June 2021)

⁴ These benefits have been identified in previous Platform activities: European Platform tackling undeclared work, (2017). Report from the working group on social partner success stories. Available at: <https://ec.europa.eu/social/BlobServlet?docId=18479&langId=en>; European Platform tackling undeclared work, (2017). Success stories in preventing and combatting undeclared work. Available at: <https://ec.europa.eu/social/BlobServlet?docId=18480&langId=en>; European Platform tackling undeclared work, (2019). Practitioner toolkit: information tools and approaches to reach out to workers and companies in the fight against undeclared work. Available at: <https://ec.europa.eu/social/BlobServlet?docId=19894&langId=en>; European Platform tackling undeclared work, (2019). Social partners and their key role in tackling undeclared work: 12 success stories. Available at: <https://ec.europa.eu/social/BlobServlet?docId=22264&langId=en>; European Platform tackling undeclared work, (2020). Holistic approach to tackling undeclared work and national strategies. Available at: <https://ec.europa.eu/social/BlobServlet?docId=23099&langId=en>; European Platform tackling undeclared work, (2020). Outputs of the ninth plenary meeting of the European Platform undeclared work, 5-6 October 2020, virtual meeting. Available at: <https://ec.europa.eu/social/BlobServlet?docId=23839&langId=en>

⁵ While trade unions and employers' associations protect the interests of different stakeholders, they could reach a consensus through various discussion formats such as the German bipartite Collective Bargaining Committee and Collective Bargaining Commission, the Finnish Working Committee on Local Bargaining, the National Tripartite Coordination Committee in Luxembourg, and the National Public Service Interest Reconciliation Council in Hungary. For more information: European Commission, Employment, Social Affairs and Inclusion DG, Unit A2: Social Dialogue, (2016). The role of social partners in the design and implementation of policies and reforms. Available at: <https://ec.europa.eu/social/BlobServlet?docId=16464&langId=en>

Similarly, trade unions and employers' associations also benefit from cooperating with labour inspectorates, and among themselves, as presented in the table below.

Table 2. Benefits for social partners when cooperating with labour inspectorates

Benefits for trade unions	Benefits for employers' associations
► Protection of workers' rights (regarding wages, working time, social security payments, working conditions)	► Show commitment to workers' rights which in turn attracts workforce to work in the industry / sector
► Raise and discuss ongoing issues, including monitoring of collective bargaining agreements	► Support fair competition and raise issues of unfair competition in the sector
► Forward cases / complaints from workers to be checked by the labour inspectorates	► Companies are able to select reliable subcontractors from existing compliance lists
► Influence decision-making on labour market issues and contribute to working methods within labour inspectorates	► Influence decision-making on labour market issues and contribute to working methods within labour inspectorates

Source: CSD / ICF

2.2 Mapping the social partner landscape

EU / EEA Member States have different starting points in terms of the role trade unions and employers' organisations play in the formulation and implementation of policies to address undeclared work.

This is due to the different models of social dialogue and industrial relations that exist at national level throughout Europe.⁶ In northern Member States there is more extensive and consensual cooperation, based on bipartite

social dialogue, as well as higher trade union density. In contrast, in southern Member States typically the State has a more important role, relying on the legal obligation to involve social partners in decision-making. Eastern European countries feature less developed social models, with employers who are often not organised.^{7,8}

These aspects are also reflected in the key characteristics of collective bargaining regimes in the table below.

Table 3. Key characteristics of collective bargaining regimes

	North	Centre-West	South	West	Centre-East
Industrial relations regime	Corporatist	Social partnership	Polarised state-centred	Liberal-pluralist	Fragmented state-centred
Collective bargaining coverage	87.1 %	77.3 %	76.3 %	37.8 %	27.1 %
Trade union density	64.7 %	29.1 %	19.1 %	36.2 %	13.1 %
Employers' density	76 %	83.6 %	67.7 %	60 %	54.2 %
Principal level of collective bargaining	Industry level	Industry level	Variable	Company	Company
Bargaining Style	Integrating	Integrating	Conflictual	Conflictual	Acquiescent
Role of the state	Limited (mediator)	Limited (enabling)	Frequent intervention	Non-intervention	Organiser of transition
Countries	DK, FI, SE	AT, BE, DE, LU, NL, SI	ES, FR, EL, IT, PT	CY, IE, MT	BG, CZ, EE, HR, HU, LT, LV, PL, RO, SK

(*) all figures are calculated on data for 2018 (or the most recent year available).

6 European Employment Policy Observatory (EEPO) (2016). The role of social partners in the design and implementation of policies and reforms. Available at: <https://ec.europa.eu/social/main.jsp?langId=en&catId=1086&furtherNews=yes&newsId=2661>

7 European Commission, Directorate-General for Employment, Social Affairs and Inclusion, (2019). Annual Review 2019: Employment and Social Developments in Europe. Sustainable growth for all: choices for the future of Social Europe, pp 215-216. Available at: <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8219&furtherPubs=yes>

8 García, A. B., Pender, E., Elgoibar, P., Munduate, L and Euwema, M., (2015). The tower of power: Building innovative organisations through social dialogue, pp 179-197, in: Euwema et al. Promoting Social Dialogue in European Organizations. Available at: <https://link.springer.com/book/10.1007%2F978-3-319-08605-7>

Source: European Trade Union Institute, (2021). *Collective Bargaining Systems in Europe. Some Stylised Facts, based on OECD-AIAS ICTWSS Database (2020) and Visser (2009).*

Furthermore, labour market dynamics, and different and evolving forms of employment can make common measures between workers' and employers' representatives more complex. In specific cases, trade unions and employers' associations may have diverging interests, so building consensus on common needs and joint actions might often be a lengthy process. Sometimes, social partners could also have unbalanced powers, such as weak negotiation positions due to low number of their members, which might further stall cooperation opportunities.

The mandate and legal powers of labour authorities and

social partners vary between Member States. The remit of inspectorates differs, ranging from enforcing labour law, equal treatment between men and women, working conditions or social security legislation, as well as the powers of social partners. For example, in Denmark, social partners are not allowed to perform inspections on labour conditions and occupational health and safety according to the Danish Working Environment Act,⁹ whereas trade unions in Slovakia are authorised by the Labour Code to carry out health and safety monitoring.¹⁰ These legal conditions and prerogatives need to be considered when developing joint cooperation measures on an EU level.

2.3 A strategic approach to cooperation

Tripartite social dialogue, referring to the interaction between the government, employers' organisations and trade unions, aims to ensure mutual understanding and consensus in decision-making, legislation and policy implementation. This form of dialogue can take place at industry / sectoral, national and European level. Usual activities include consultation, negotiation or simple information-sharing.¹¹

Social partners are involved in a variety of formalised tripartite consultations, such as government committees, advisory councils and working groups. However, the

thematic review workshop of the Platform showed that very few countries have established dedicated cooperation directly between social partners and enforcement authorities to address undeclared work during tripartite consultations (except for Southern Member States described in the table below), as this form of cooperation usually covers a larger variety of labour market topics.

It is however beneficial to assess the existing tripartite and bipartite procedures which can then intensify collaboration to address undeclared work. Some examples are listed below:

Table 4. Tripartite processes that can enhance collaboration for undeclared work

Tripartite processes	Further ways to build cooperation to promote declared work
<p>Tripartite consultations</p> <p><i>These general consultations exist in all countries, for example:</i></p> <p>In Luxembourg, the Permanent Committee on Labour and Employment is composed of employers' representatives and trade unions and the government. It meets at least three times a year to examine the labour market, working conditions and the safety and health of workers.</p>	<ul style="list-style-type: none"> ▶ Use consultations to exchange on needs and risks as well as to identify new undeclared work trends ▶ Work with committees to build trust and gain political buy-in for collaboration on tackling undeclared work ▶ Raise capacity or resource issues required for collaboration on tackling undeclared work

⁹ European Commission, DG Employment, Social Affairs & Inclusion, (2017). Factsheet on Undeclared Work – DENMARK. Available at: <https://ec.europa.eu/social/ajax/BlobServlet?docId=18159&langId=en>

¹⁰ International Labour Organization, (2021). Labour Inspection Structure and Organization Slovakia. Available at: https://www.ilo.org/labadmin/info/WCMS_209366/lang-en/index.htm

¹¹ For example, resulting in elaboration and agreement on joint protocols or guidelines in the context of the COVID-19 pandemic.

Tripartite processes	Further ways to build cooperation to promote declared work
<p>Sector-specific consultations</p> <p><i>Example:</i></p> <p>In Norway, the 2020 mandate for the tripartite automotive industry programme¹² consults social partners¹³ in meetings that take place four to six times a year. There is also one annual meeting with the Ministry of Labour and Social Affairs and the Ministry of Transport.</p>	<ul style="list-style-type: none"> ▶ Gain sector-specific expertise for developing new measures and approaches to address undeclared work and its sectoral specificities ▶ Take account of ‘on-the-ground’ expertise about the latest causes of undeclared work ▶ Map the needs and risks experienced by workers and employers in the sector, to establish trust and build a bottom-up approach
<p>Commissions/Councils including social partners within labour inspectorates</p> <p><i>Examples:</i></p> <p>In Italy, the Central Commission on Coordination of the Inspection Activities (chaired by the Minister of Labour and Social Policy)¹⁴ has developed guidelines on the strategic interaction with social partners. Usually, the labour inspectorate presents the results from previous annual inspections and outlines its strategy for future inspection activities. Social partners then in turn provide feedback on the inspectorate’s work and plans.</p> <p>Similarly, in Greece, social partners monitor and suggest improvements of the work of the labour inspectorate, through the Council for Social Monitoring of Inspection of Labour (SKEE) at the Ministry of Labour, Social Security and Solidarity. SKEE is chaired jointly by inspectors and representatives of the social partners, which further facilitates the exchange of opinions and ideas.</p> <p>In Spain, the State Council to the Autonomous Body of Labour and Social Security Inspection meets twice a year, which includes representatives of the General State Administration, the Autonomous Communities, trade unions and employers’ organisations. During the meetings the labour inspectorate presents its plans and Council members propose future priorities and campaigns.¹⁵</p>	<ul style="list-style-type: none"> ▶ Promote a holistic approach involving several public agencies and social partners to address undeclared work. For instance, cooperation can benefit from a range of mandates and tools, such as joint databases ▶ Make use of social partners’ feedback on the overall strategic planning in labour inspectorates ▶ Assess and further develop deterrence and preventative measures for more effective implementation, and ultimately a better use of public resources ▶ Collect ideas and plan for joint operational measures
<p>Management board of the labour inspectorate</p> <p><i>Example:</i></p> <p>In Ireland, social partners are represented on the management board of the Irish Workplace Relations Commission.</p>	<ul style="list-style-type: none"> ▶ Social partner involvement at managerial level paves the way for facilitated cooperation at operational level ▶ Assess and further develop deterrence and preventative measures for more effective implementation, and ultimately a better use of public resources

In addition, the way trade unions and employers’ organisations organise themselves impacts on their working relationship with public authorities, such as labour inspectorates. See below some more general examples of

bipartite collaboration and how this can benefit cooperation with labour inspectorates in addressing undeclared work.

¹² Norwegian Labour Inspection Authority, (2 March 2020). Tripartite industry programme for the automotive industry - mandate for the industry programme group.

¹³ Norwegian Motor Trade Association, Trade and Service Industry Organization Virke, Employers’ organization Spekter, and Labour Union Fellesforbundet.

¹⁴ The Central Commission on Coordination of the Inspection Activities includes the Minister of Labour and Social Policy as a chairman, the Director of the National Labour Inspectorate; the General Directors of the national social security institute INPS and occupational accident insurance institute INAIL; social partners, the Commander of the Carabinieri Labour Protection, the General Commander of the Guardia di Finanza; the General Commander of the Carabinieri, and the Director General of the Revenue Agency.

¹⁵ Ministerio de Trabajo, Migraciones y Seguridad Social, (March-September 2020). State Bulletin No 258. Available at: https://www.mites.gob.es/its/web/Quienes_somos/OE_ITSS_Web/Doc_Organismo/Miembros_CGeneral_BOE_20200929.pdf

Table 5. Bipartite processes that can enhance collaboration for undeclared work

Bipartite processes	Further ways to build cooperation to tackle undeclared work
<p>Paritarian institutions (often registered as non-for-profit entities)¹⁶ are established, funded and managed by social partners, in order to fulfil a complementary role to the existing governmental structures, mainly in the area of vocational training, health and safety, social protection, sectoral pensions and paid holiday schemes. Usually, the role of social partners (and by extension – the activities of the paritarian funds) are established by collective agreements or foreseen in relevant legal acts.</p> <p><i>Example:</i></p> <p>The Spanish paritarian Construction Labour Foundation obliges companies to keep records of their employees' working hours on a daily basis. FLC launched a free platform called Gesinprec (www.gesinprec.com), where companies can upload documentation on social security contributions, making it easier to check whether subcontractors are complying with their obligations.</p>	<ul style="list-style-type: none"> ▶ Paritarian institutions provide a wider platform to discuss and account for the specific needs of employers and workers ▶ Paritarian institutions often have already a range of bipartite initiatives, supplementary and to the benefit of the public authorities, thus paving the way for joint actions and consensual approaches to tackling undeclared work
<p>'Shop stewards'</p> <p>In some Nordic countries trade unions have professionals who provide free advice and legal support to their members in case of conflicts with employers. They are both an employee at the workplace as well as a member of the trade union. The shop steward's task is to represent the workers and defend their rights (including, but not limited to payment of agreed wages and social security contributions).</p> <p><i>Examples:</i></p> <p>In Finland, workplaces that have committed to collective agreements, have a 'shop steward'. Sweden has a similar system, although they do not have to be employed at the workplace they represent. Denmark also has trade union representatives situated in workplaces and emerging issues are resolved in the framework of cooperation committees, consisting of representatives of workers and employers.</p>	<ul style="list-style-type: none"> ▶ 'Shop stewards' inform about legal provisions and collective agreements (especially recent ones that companies and workers are still not aware of), through consultations and training ▶ Ensure compliance regarding all matters concerning collective bargaining agreements ▶ 'Shop stewards' provide a direct link to workers, who may be less reluctant to raise concerns to trade union representatives than to public authorities
<p>Bipartite organisations</p> <p><i>Example:</i></p> <p>The Foundation for Compliance to the Collective Labour Agreement for Agency Workers (SNCU) represents the largest employer and worker organisations in the Netherlands. SNCU aims to ensure compliance with the collective labour agreement in the temporary work sector. Monitoring by SNCU occurs through inspections which are largely triggered via a complaint reporting tool, accessible to everyone.¹⁷</p>	<ul style="list-style-type: none"> ▶ The fact that workers and employers are already engaged in a bipartite organisation may make it easier for public authorities, such as the labour inspectorate, to agree on common measures in a sector. ▶ Depending on the legal mandate, inspectorates can profit from social partners insight, e.g., from SNCU inspections.

¹⁶ In the field of social protection, paritarian institutions are non-profit institutions which are jointly managed by the social partners (representatives of the employers and employees' organisations). For more information: European Association of Paritarian Institutions (AEIP) website. Available at: <https://socialprotection.org/connect/stakeholders/european-association-paritarian-institutions-aeip>

¹⁷ European Platform tackling undeclared work, (2018). Foundation for Compliance to the Collective Labour Agreement for Agency Workers (SNCU) - Enforcing compliance to collective labour agreements, Netherlands. Available at: <https://ec.europa.eu/social/ajax/BlobServlet?docId=19449&langId=en>

2.4 Building political buy-in

Depending on the role social partners play on a national or sectoral level, cooperation needs to be addressed strategically at national level. This holistic approach generates political and operational commitment and ensures partners are supported and adequately resourced.

Statutory cooperation and political support are typically set out in an official or legal document, which explains the desired role of partners, their legal mandate and possible ways to cooperate via joint commissions or councils. An example are tripartite contracts, which regulate the interaction between the government, employers' organisations and trade unions and aim to ensure consensus in decision-making and legislation, as described in the box below.

Examples of the need for political support to enhance collaboration

The **2015 Belgian Plan for Fair Competition**¹⁸ is a result of tripartite negotiations with the government, trade unions and employers' associations. There are eight sectoral plans for fair competition: in construction, transport, electronics, cleaning, agriculture and horticulture, metallurgy, funeral and carwash services. The fight against social fraud has been high on the political agenda, and a specific Secretary of State for the Fight against Social Fraud was appointed.

The Plan for Fair Competition in the construction sector encompasses 40 measures at national, Benelux and EU levels aimed at prevention, detection, inspections, and sanctioning of social fraud and social dumping, as well as at enhancing the safety and well-being of workers.¹⁹

Similarly, the **Finnish Government Resolution on a Strategy and an Action Plan for Tackling the Grey Economy and Economic Crime for 2020–2023** foresees that each ministry or public body engages relevant stakeholders and social partners in some of their own projects and initiatives on labour market issues and labour law. The resolution aims at jointly implementing 50 measures adopted as a part of the Action Plan. For example, social partners contribute to an assessment of fraudulent practices of underpayment of workers.²⁰ This resolution is based on a long-standing practice of cooperation, established through tripartite

agreements back in 1968.²¹

In **Greece**, the legislative framework aims to enhance social dialogue and joint actions between authorities and social partners. Legislation provides trade unions with the right to be present during inspections carried out by the competent bodies of the Ministry of Labour, submit their observations and mediate labour disputes.

In the **2018-2020 National Plan for Decent Work**, the **Spanish government** places a central role to social dialogue to determine appropriate labour, employment and social security policies.²² The Plan includes 75 measures to fight fraud in temporary, part-time and apprenticeship work or on digital platforms, and to tackle gender discrimination.

In 2019-2020, the French Confederation Force Ouvrière (FO)²³ called upon the French National Commission against Undeclared Work (CNLTI) to establish regular **social dialogue on the implementation of the French Action Plan against Undeclared Work 2019-2021**.²⁴ The FO also recommends further coherence between the French Action Plan against undeclared work and the actions of the European Platform tackling undeclared work.

Tip: Trade unions and employers' organisations often accompany legislative reforms and wider societal change. Think about who and how to involve social partners when work programmes, legislation or other policy documents are being prepared and implemented.



Another aspect to consider is enhancing collaboration via national funding. In Norway, tripartite agreements in the cleaning, road, 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, still social partners must give their consent on how the funds are spent.

¹⁸ Belgian Social Intelligence and Investigation Service (SIOD), (2015). Plan for Fair Competition. Available at: https://www.siod.belgie.be/sites/default/files/Downloads/Protocollen/NL/PEC/pec_bouw_08072015_nl.pdf

¹⁹ European Platform tackling undeclared work, (22-23 June 2021). Presentation by Belgium at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

²⁰ European Platform tackling undeclared work, (22-23 June 2021). Presentation by Finland at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

²¹ Motiivi, (5 November 2018). 5 things you need to know about the tripartite cooperation (5 asiaa, jotka sinun tulee tietää kolmikannasta). Available at: <https://motiivi-lehti.fi/lehti/artikkeli/kolmikanta-on-jalleen-kaikkien-huulilla-mutta-mita-se-oikeasti-tarkoittaa-5-asiaa-jotka-sinun-tulee-tietaa-kolmikannasta/>

²² Ministerio de Trabajo, Migraciones y Seguridad Social, (2018). National Plan for Decent Work. Available at: https://www.mites.gob.es/ficheros/ministerio/plandirector/National_Plan_for_Decent_work.pdf

²³ The French Confederation Force Ouvrière. 2021. Available at: <https://www.force-ouvriere.fr/?lang=fr>

²⁴ French Confederation Force Ouvrière. 2020. Recours aux refugies dans le secteur agricole: FO appelle à la plus grande vigilance! Available at: <https://www.force-ouvriere.fr/recours-aux-refugies-dans-le-secteur-agricole-fo-appelle-a-la-plus-grande-vigilance>

2.5 Enable staff to work together on operational level

Depending on the type of established social dialogue, operational cooperation between labour inspectorates and social partners can build on various forms, such as statutory tripartite bodies, partnership agreements or memoranda of understanding as well as more informal exchange or ad hoc meetings. The Nordic-Baltic undeclared work project,²⁵ which inspired the signing of several new cooperation agreements,²⁶ distinguishes between three possible levels of tripartite cooperation:

- ▶ High level (involving ministries, and national representatives of social partners). This is the most often observed type of cooperation, where partners usually meet once a year to share information, views and concerns;²⁷
- ▶ Medium level (involving top management of labour inspectorates and national social partners, represented either by umbrella or by branch-spe-

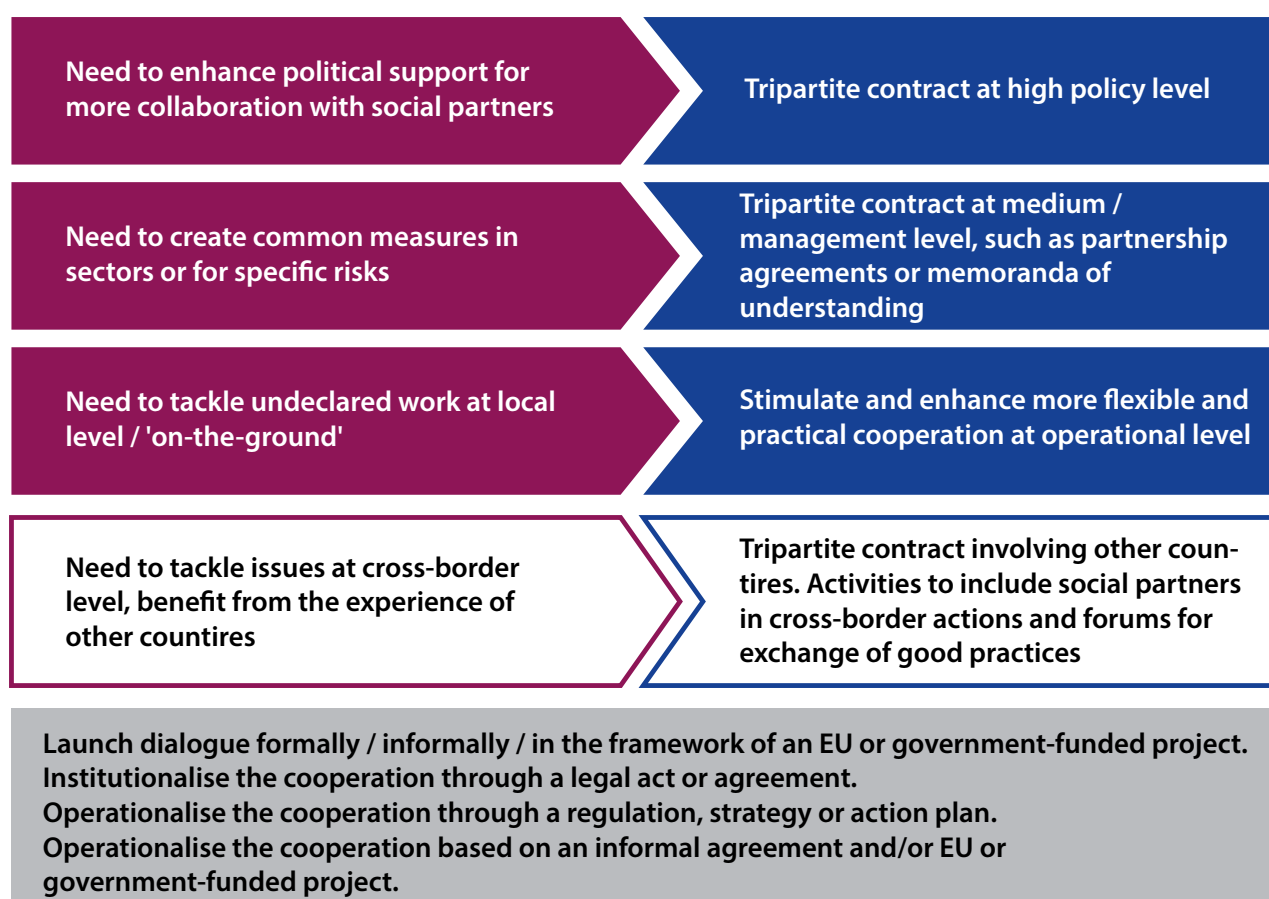
cific organisations). At this level sector-specific programmes and campaigns are planned and implemented;

- ▶ Local level (involving operational staff from the labour inspectorates and local representatives from social partners). This type of cooperation adds a lot of value 'on-the-ground'. Yet, it is also faced with the most challenges, as activities at local level often depend on national agreements and resources²⁸

Tip: All cooperation forms are equally important, as they establish commitment and trust at strategic and managerial level, and allow for contacts and exchanges on operational level. Some considerations, based on the specific cooperation type and necessary action to address undeclared work, are outlined below.



Figure 1. Selecting the most appropriate cooperation form



Source: CSD / ICF, based on Nordic-Baltic undeclared work project, (May 2021). Report from workgroup cooperation. Joint efforts combatting undeclared work.

²⁵ Nordic-Baltic undeclared work project, (May 2021). Report from workgroup cooperation. Joint efforts combatting undeclared work.

²⁶ After attending a seminar as part of the project, the State Labour Inspectorate of the Republic of Latvia and the Latvian Building sector trade union (LBNA) signed a new cooperation agreement on 5 November 2019. The new agreement aimed to strengthen practical cooperation between the two parties including exchange of information and consultations to ensure fair and legal work environments in the construction industry. The parties expressed their willingness to reduce undeclared work, covering both labour relations as well as health and safety at work.

²⁷ Cooperation can also include an international or EU-level organisations, for instance, the Greek government, ILO and social partners, established in 2016 a tripartite agreement to implement the "Roadmap to implement a holistic integrated strategic approach towards tackling undeclared work in Greece".

²⁸ Ibid

2.6 Establishing trust, creating win-win situations

Despite the common goal to safeguard fair and declared employment relationships, employers' organisations, trade unions and labour inspectorates often have specific interests when it comes to concrete measures to address undeclared work.

To accomplish successful collaboration approaches it is therefore critically important to build trust. Building trust depends on developing formal joint procedures but also on building strong informal relations and channels of communication, without going outside of the remits or the legal bounds of the cooperating organisations. Trust can be established by respecting the different roles and mandates of partner organisations, and the agreement on common goals. Specific actions to achieve these goals should be agreed in regular and open conversations. Equally, understanding and recognising the mutual value of tackling undeclared work from different perspectives help to create 'win-win' situations which can be further communicated to create wider buy-in from other stakeholders, such as social partners in other sectors. More widely, trust between enforcement authorities and social partners also encourages confidence in social dialogue, government institutions and legal instruments. Successful cooperation in its turn kicks off a virtuous circle of trust that leads to further mutual understanding, joint goal-setting and action. Some key considerations to establish trust are outlined below:

Tips: Creating trust between labour inspectorates and social partners

- ▶ In case representatives do not know each other or even mistrust each other, set the establishment of trust as a strategic goal in the agenda, map the competences of different parties / stakeholders and, if national legislation allows it, share funding / financing with social partners.
 - ▶ Building trust between the individuals specifically appointed or participating in the cooperation
- ▶ Create 'win-win' situations. For instance, in the Netherlands, the labour inspectorate agreed with major employers in the sector to have only a few entrance points on construction sites, so workers could be monitored. The employers agreed to this because it simplified their procedures for ensuring work was declared. The data was then sent to the tax authorities, to check if people were registered.
 - ▶ Have several discussions, including informal conversations to agree on common goals. For instance, in the development of the Belgian Plans for Fair Competition, public authorities had several individual discussion rounds, separately and jointly with employers' organisations and trade unions, to establish common objectives and ways to reach them. As the discussions progressed, these were written down and, in joint meetings with social partners, agreed upon line by line.
 - ▶ Set up regular meetings to ensure two-way communication and updates: for instance, the Norwegian sectoral programmes mobilise employers, workers and the authorities to jointly document and address challenges regarding working conditions in high-risk industries. The aim is to develop new approaches and working methods that contribute to better results than separate measures.
 - ▶ Enhance informal, ad-hoc collaboration and exchanges: knowing the 'right people' in partner institutions lowers the threshold for reaching out and certainly helps practitioners to raise new concerns quickly and efficiently, and to build up more formalised cooperation based on these contacts.

2.7 Setting up written agreements

Partners can manifest their general commitment to cooperate via partnership agreements or memoranda of understanding. Typically, these agreements include:

- ▶ Overview of common and specific objectives;
 - ▶ Clearly defined responsibilities and tasks;
 - ▶ In some cases, written agreements already include specified common actions, such as information exchange, joint investigations, awareness raising or joint capacity building. Moreover, depending on the goals and partner organisations,
- ▶ the agreements can also foresee sector-specific arrangements, for instance the use of social ID cards in the construction sector.
 - ▶ If agreements are only valid for a certain period, the continuation of the measures may be already clarified in the early stages of the preparation of the agreement.
 - ▶ Monitoring and evaluating the implementation and the results of these partnerships and sharing the monitoring / evaluation results with all partners.²⁹

²⁹ Regional Cooperation Council / Western Balkan Network tackling undeclared work, (2021). Improving Social Partner Involvement in Tackling Undeclared Work:

For further details on how the cooperating partners could structure their partnership agreements, please see Annex 1.

Examples: cooperation agreements in Belgium, the Netherlands and Italy

In a cooperation agreement, social partners and the **Belgian** authorities commit to strengthen cooperation by a common strategy. They exist in high-risk sectors (such as cleaning, building, security, transport) and were initially set up between 2012 and 2018.³⁰

The tripartite partnership agreement for countering undeclared work in the construction sector, for example, was signed by relevant public bodies³¹ and the social partner Social Security Fund for Construction Workers (Constructiv). The agreement also notes the role of the members of the Paritarian Committee for Construction Companies. With the document, the parties agree to undertake joint preventive actions such as information campaigns targeting construction workers and employers. Detection and deterrence measures include information exchange between the parties, with the purpose of improving social fraud detection capabilities of the federal social inspection services. The Social Intelligence and Investigation Service (SIOD) monitors the overall implementation of the agreement, while all signatory parties appoint a representative, responsible for information sharing, participation in meetings two to four times per year and attending training on preventive measures. Every year the parties are obliged to evaluate the implementation of the agreement, based on the number and nature of infringements detected, and the effectiveness of actions taken. Based on the evaluation, improvements can be proposed.³²

The **Dutch** Labour Inspectorate, the Tax Authorities and the Labour Standards Foundation (SNA)³³ signed an information exchange protocol³⁴ in 2016. The SNA provides a certification ('SNA quality mark') to temporary work agencies, intermediaries and contractors who meet certain conditions (see more in section 3.4). Four times per year SNA sends information on temporary work agencies to the public authorities. This includes information on the name of the enterprise,

inspection dates, the address and their business registration number. Non-compliant contractors will then subsequently cease to hold a 'SNA quality mark'.³⁵

A memorandum of understanding for promoting declared work, health and safety was signed between the **Italian** National Labour Inspectorate (INL) and the Joint National Committee for Building Workers' Welfare Funds (CNCE / Casse Edili).³⁶ It foresees information exchange, biannual meetings and joint information campaigns and training actions.³⁷

Another aspect to consider is the involvement of social partners in multilateral agreements, such as bilateral agreements or memoranda of understanding concerning cross-border cooperation. They establish cooperation between two or more parties from several countries (e.g., to tackle cross-border undeclared work). Here, the inclusion of social partners (and other public authorities) is beneficial to get better information about the prevalence of cross-border undeclared work and about effective solutions.

Tip: National labour inspectorates and social partners are also encouraged to take part in EU and / or government funded cross-border projects (e.g., RAISE UP; Eurodetachment, or the Tackling undeclared work in the construction industry / TUWIC project 2018 – 2020)³⁸, which could further provide support and inspire sectoral collaboration, development and dissemination of good practice, and / or the signing of agreements.



A Toolkit. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3835333

30 European Platform tackling undeclared work, (2017). National and Bilateral Agreements and Memoranda of Understanding to Tackle Undeclared Work Available at: <https://ec.europa.eu/social/BlobServlet?docId=18041&langId=en>, see also [Protocollen Sociale Inlichtingen-en Opsporingsdienst \(belgie.be\)](https://www.siod.be/sites/default/files/Downloads/Protocollen/NL/Samenwerkingsovereenkomsten/sa_bouw_22062012_nl.pdf)

31 Federal Public Service Employment, Labour and Social Dialogue (FOD Tewerkstelling), Federal Public Service for Social Security (de FOD Sociale Zekerheid), National Office for Social Security (de Rijksdienst voor Sociale Zekerheid), Social Intelligence and Investigation Service (Sociale Inlichtingen en Opsporingsdienst/SIOD), National Office for Employment (de Rijksdienst voor Arbeidsvoorziening).

32 Social Intelligence and Investigation Service (SIOD), (22 June 2012). Tripartite partnership agreement for countering undeclared work in the construction sector. Available at: https://www.siod.belgie.be/sites/default/files/Downloads/Protocollen/NL/Samenwerkingsovereenkomsten/sa_bouw_22062012_nl.pdf

33 A foundation, established by trade unions and associations representing the temporary employment agencies and intermediaries.

34 Dutch Labour Inspectorate SZW, Tax Authorities and Labor Standards Foundation, (8 January 2016). Information exchange protocol.

35 Labor Standards Foundation (SNA). Labour Standards Register. Available at: <https://www.normeringarbeid.nl/labour-standards-register>

36 The Joint National Committee for Buildings Workers' Welfare Funds (Casse Edili) is a body founded by the building workers' trade unions and the federation of employers of construction industry. It manages the paritarian welfare funds for the construction industry.

37 Memorandum of Understanding between the National Labor Inspectorate (INL) and CNCE (Commissione Nazionale Paritetica per le Casse Edili / Joint National Committee for Building Workers' Welfare Funds), (11 March 2021). Available at: https://olympus.uniurb.it/index.php?option=com_content&view=article&id=25046:inl-cncc1132021&catid=81&Itemid=142

38 European Construction Industry Federation, (2020). Tackling Undeclared Work in the Construction Sector (TUWIC). Available at: <https://www.fiec.eu/our-projects/completed-projects/tuwic>

2.8 Translating agreements into operational cooperation

Political or managerial agreements need to be implemented at operational level. To do so, enforcement authorities and the social partners may allocate staff dedicated to the common activities, and agree on administrative procedures, templates of documents, and electronic systems to be used for day-to-day communication, exchange of information, or implementing joint/shadow inspections or campaigns.

Tip: To promote common understanding and demonstrate the added value of cooperation, dedicate some time and effort to relay the relevant information, planned activities and expected results to the public, relevant stakeholders as well as within your own organisation, including those not directly responsible for the implementation. Ideally, a visibility and communication strategy should be drawn up.



Future joint activities or reporting results from past initiatives could be discussed in the framework of a specially set up working group or task force, as illustrated in the box below.

Examples: Setting up dedicated working groups and task forces

The establishment of the **Irish Hidden Economy Monitoring Group (HEMG)** is not based on a legal document. Still, the group gathers employer and trade union representatives, as well as state agencies such as the Office of the Revenue Commissioners, the Department of Social Protection (DSP) and the Workplace Relations Commission (WRC). The group provides advice and discusses solutions on key problems to tackle the shadow economy.³⁹

A tripartite working group focused on the **Finnish implementation of the Enforcement Directive** (2014/67/EU) on posting of workers, including the

suggestion for a negligence fee for companies failing to report a posted worker.

In **Norway**, the tripartite automotive industry programme⁴⁰ (included as a measure in the government's strategy against work-related crime of 5 February 2019) relies on an industry programme group to discuss and suggest relevant measures to the policymakers to address undeclared work.

The following questions may guide managers in determining staff allocation within labour inspectorates:⁴¹

- ▶ For which staff is partnership building an objective and at what level of the organisation?
- ▶ Do staff have clear responsibilities, tasks and sufficient resources (human, financial and time-wise) to set up the partnership?
- ▶ What specific activities and contributions are expected from staff members who have the objective of building partnerships?
- ▶ Is there a clear timeline of collaboration?
- ▶ What needs to be done within the organisation to foster a climate of external partnership building, both at international, national, regional and local level?
- ▶ What shared targets and Key Performance Indicators (KPIs) can operational cooperation adopt? How can one ensure that such indicators are jointly developed around common goals?
- ▶ What challenges and tensions are witnessed when building partnerships at operational level and around different initiatives (e.g., are there conflicting interests)? How can these challenges be overcome?

³⁹ Irish Revenue public offices website, (2021). Reporting shadow economy activity (tax evasion). Available at: <https://www.revenue.ie/en/corporate/assist-us/reporting-shadow-economy-activity/hidden-economy-monitoring-group-hemg.aspx>

⁴⁰ Norwegian Labour Inspection Authority, (2 March 2020). Tripartite industry programme for the automotive industry - mandate for the industry programme group.

⁴¹ See also: Regional Cooperation Council / Western Balkan Network tackling undeclared work (2021), Improving Social Partner Involvement in Tackling Undeclared Work: A Toolkit. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3835333

3. Exchange of information on common risks

Exchange of information and data on undeclared work risks is required to build common deterrence and prevention measures with social partners. This can include observed irregularities, previous infringements and results from past investigations. Labour inspectorates and social partners often observe and collect different types of information, so combining knowledge can shed new

insight on undeclared work.

In most countries, social partners share the following type of information on undeclared work cases and trends with the authorities:

Table 6. Information provided by social partners

Type of information	Possible ways of sharing this information
General observations of undeclared work and labour market trends at national and EU level	<ul style="list-style-type: none"> ► Updates in working group meetings, official events ► Sharing of reports and statements
Gathering complaints and tips from social partners through formal or informal channels (often complaints received from hotlines or visits performed by social partners, where applicable)	<ul style="list-style-type: none"> ► Templates or online forms ► Designated contact points ► Ad-hoc via email / phone
Getting insight from social partners on risk assessment systems or indicators for detecting undeclared work	<ul style="list-style-type: none"> ► Updates in working group meetings ► Sharing of reports and statements ► Ad-hoc via email / phone ► Templates or online form ► Designate contact points ► Joint training and capacity-building events
Data from compliance lists (public certification or labelling)	<ul style="list-style-type: none"> ► Compliant companies are often shared on public websites ► Non-public exchange on non-compliant companies, which could later result in public compliance-listings and withdrawal of business licences

3.1 General observations of undeclared work and labour market trends

Social partners have local workplace insight and a direct link to their members (workers and employers) and can therefore update on general labour market trends regarding undeclared work at national and EU level. They share these insights via reports, analyses, opinions, statistics or during meetings. European-level social partners are also well-placed to collect anecdotal evidence⁴² and track trends at cross-border level (such as the professional mobility of third country nationals).

A good example in this respect is the EU-funded TUVIC project of the European Federation of Building and Woodworkers (EFBWW) and the European Construction Industry Federation (FIEC) which brought together employers'

organisation, trade unions and enforcement authorities from seven Member States (Austria, Belgium, Bulgaria, France, Italy, Romania and Spain).⁴³ They exchanged on how to tackle undeclared work in the construction sector focusing on prevention, enforcement, and the need for new legislative action at national round tables. Good practices from both public bodies and social partners were summarised in videos, posters, and a toolkit available in 18 languages.⁴⁴ EFBWW and FIEC also issued a joint statement,⁴⁵ noting that EU Member States need to analyse their internal administrative and juridical procedures and sanction mechanisms and verify that they are sufficiently dissuasive and efficient to prevent fraud.

3.2 Gathering complaints and tips from social partners

Most social partners (usually trade unions) receive and handle complaints from workers and companies to address fraudulent practices or non-compliance with collective agreements. Trade union representatives are often present in the workplace, so workers trust them more easily to report their case. Especially simple, accessible and confidential reporting mechanisms encourage complaints by workers. Some examples are provided below.

Examples: complaint mechanisms in Sweden, Finland and the Netherlands

Within the **Swedish 'Fair Play BYGG'** (<https://fair-playbygg.se>) initiative, where a trade union and an employers' organisation provide a channel for complaints in the construction sector and forward these to the authorities for further action. Usually, complaints received by trade unions are prioritised by the labour inspectorates and cases are checked and resolved fast-er.⁴⁶

Affiliates of the **Dutch Federation of Trade Unions (FNV)** have established complaint desks to report breaches of collective agreements and other illicit activities, as well as allegations of trafficking for labour

exploitation.⁴⁷ After receiving reports of cases of abuse, they are forwarded to the relevant public authorities.

The **Confederation of Finnish Construction Industries** relies on informal methods of communication, as they call labour inspectors by phone or contact them by e-mail, in order to report a suspected violations or agree on joint actions for improved enforcement.⁴⁸

Many inspections by labour inspectorates are triggered by signals from social partners. For example, in Slovakia, there is a statutory obligation for the labour inspectors to check a signal or complaint if it comes from a worker or a trade union, and to report back on the results within 30 days.

Tip: Consider how formal or informal cooperation with social partners can help to effectively gather cases of non-compliance throughout the country, especially in non-urban areas. In Denmark, social partners have personal contacts with local offices of labour inspectorates and provide them with tips and referrals of labour law violations on an ad hoc basis.⁴⁹



⁴² Evidence based on individual experiences, tips by workers or observations at the workplace, for example regarding the increasing trend of observed undeclared work cases in a specific sector or geographical region.

⁴³ European Platform tackling undeclared work, (22-23 June 2021). Presentation of the EFBWW project at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

⁴⁴ EFBWW and FIEC, (2020). Tackling undeclared work in the construction industry: Toolkit. Available at: <https://www.efbww.eu/publications-and-downloads/reports-and-studies/toolkit-of-the-efbww-and-fiec-to-tackle-undeclared-work-in-the-c/737-a>

⁴⁵ European Construction Industry Federation and European Federation of Building and Woodworkers, (2020). Joint statement by the European social partners in the construction sector. Available at: www.fiec.eu/application/files/1016/0129/3370/2020-09-24_-_FIEC-EFBWW_Joint_statement_Undeclared_Work.pdf

⁴⁶ European Platform tackling undeclared work, (22-23 June 2021). Comment by Slovenia at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

⁴⁷ European Labour Authority, (December 2020). Guidelines for Concerted and Joint Inspections. Available at: https://www.ela.europa.eu/sites/default/files/2021-02/Item01_Guidelines-for-concerted-and-joint-inspections.pdf

⁴⁸ European Platform tackling undeclared work, (22-23 June 2021). Comment by Finland at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

⁴⁹ European Platform tackling undeclared work, (22-23 June 2021). Comment by Denmark at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

3.3 Getting insight from social partners on risk assessments

Risk assessments are an important tool for strategic planning and are mostly used in inspectorates to target inspection resources towards high-risk cases and sectors. Here, social partners, but also local authorities or research can inform on risk indicators / red flags and share data to facilitate the identification of potentially non-compliant companies or workers.⁵⁰

Yet, most of the labour inspectorates in the EU do not perform joint risk assessment with social partners, due to the lack of established procedures and / or concerns related to privacy rules and the exchange of personal data. Thus, the collaboration remains limited to receiving tips or complaints by social partners as described above.⁵¹

Tip: Seeking the best approach towards data privacy

To address concerns in relation to personal data privacy or trade secrets, public authorities and social partners may refer to the Platform's working paper on: 'Exchange of information and data protection in tackling undeclared work'.⁵² According to the analysis in the paper, GDPR⁵³ does not cover company data (e.g., turnovers, profits, ac-

tivities performed, frequency and company-level amount of social securities and tax payments, etc.).

Personal data could be shared outside the public authorities, if anonymised (excluding attributes which allow the identification of the person concerned).

And last, but not least – GDPR allows for the processing or transfer of data among public authorities in the performance of their official duties. The latter is especially valid if there is existence of a legitimate interests, pursued by the controller or by a third party (e.g., doubt over the existence of undeclared work in the investigated case). Such transfer could occur if the principle of data minimisation is applied (for the public bodies not to use or share more information than is necessary for the case in question).⁵⁴



Even if common risk assessments are not possible, there are ways to co-design risk assessment systems with social partners:

Table 7. Integrating social partners' input in risk assessments

Input by social partners into risk assessments by labour inspectorates	Examples
Advice on possible red-flags indicating prevalence of undeclared work	In Belgium social partners provide advice on possible indicators / red-flags for risk assessment and on integrating them into the internal systems of the labour and social security authorities In the TUVIC project, social partners supported the development of IT systems to track data about building sites and workflow information in the Italian construction sector
External expertise	Some labour inspectorates hire external experts (that could be either from a social partner or a private consultant), to perform studies on labour market risks (e.g., Norway, Slovenia)
Cross-checking inspection priority	In Portugal, inspection priorities are based on indicators delivered by an information system and cross-checked with information provided by social security bodies and social partners. This approach produces actionable intelligence, which can later be incorporated into a more comprehensive risk assessment system
Tips and complaints	In the Netherlands, tips by social partners are integrated and processed internally in the notification system of the labour inspectorate

⁵⁰ European Platform tackling undeclared work, (2018). Toolkit on Risk Assessments for more efficient inspections as a means to tackle Undeclared Work. Available at: <https://ec.europa.eu/social/BlobServlet?docId=20862&langId=en>

⁵¹ Ibid.

⁵² European Platform tackling undeclared work, (October 2019). Exchange of information and data protection in tackling undeclared work. Working paper for Plenary session on 24-25 October 2019.

⁵³ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). Available at: <https://eur-lex.europa.eu/eli/reg/2016/679/oj>

⁵⁴ European Platform tackling undeclared work, (October 2019). Exchange of information and data protection in tackling undeclared work. Working paper for Plenary session on 24-25 October 2019.

Input by social partners into risk assessments by labour inspectorates	Examples
Insight from employers' and workers' surveys	The Bulgarian Industrial Capital Association (BICA) shares the 'Economy in the Light' index, based on employers' and workers' surveys, with the Public Council for Tackling and Prevention of the Informal Economy and Undeclared Employment, which includes five social partner organisations, three ministries, four parliamentary committees, tax and social security bodies and the labour inspectorate. On 1 July 2021, BICA presented a new methodology for prevention of undeclared work, pilot-tested in 60 companies

3.4 Maintaining compliance lists

Social partners may also inform labour inspectorates on compliant companies. Compliance lists allow companies to promote their brand and improve their image, select reliable contractors and subcontractors as part of their corporate social responsibility, while labour inspections could focus on companies not included on these lists. In turn, labels or certificates draw on customers' choice to purchase declared services and goods. Some good examples are provided in the box below.

Examples: Maintaining lists of compliant companies

In the mushroom growing sectors of **Belgium and the Netherlands** social partners maintain lists of companies that are identified as fully compliant with the labour law.⁵⁵ In 2021, this was extended to the horticulture sector in Belgium.

In **Italy**, cooperation between social partners and public authorities in the construction industry has led to the introduction of the Single Document of Contribution Regularity (DURC). DURC certifies that a company has fulfilled all its social security, safety, insurance and tax obligations, which are required to participate in calls for public tenders. The document is jointly issued by the national social security institute INPS, the national occupational accident insurance institute INAIL and the paritarian body Casse Edili.⁵⁶

The **Norwegian Truck Owners' Association** has launched the 'Fair Transport' programme to list and

highlight transport companies that deliver traffic-safe, sustainable and responsible transport (<https://fair-transport.no/>). The purpose of the Fair Transport certification is to strengthen traffic safety, reduce emissions of environmental and greenhouse gases and ensure good social conditions for workers.

The above-mentioned **Dutch 'SNA quality mark'** certifies that temporary workers hired through agencies work legally and that the agency pays their taxes and social security contributions. If a temporary work agency with the SNA quality mark is used, there is the possibility for a tax exemption under certain conditions. Moreover, some companies' collective agreements require employers to only hire temporary staff from agencies that are SNA-accredited.

After the initial certification, the SNA could send their representatives to visit the agencies at any time, in case there is a suspicion of a violation of the law. If this visit shows signs of irregularities, the SNA informs the labour inspectorate and / or the tax authorities, which carry out a follow-up on-site inspection. In exchange, the SNA receives information from the Dutch Labour Inspectorate about any administrative fines imposed on certified temporary work agencies. The SNA also receives information from the tax authorities about tax returns and payment behaviour of temporary work agencies and other types of contractors and any ongoing criminal tax proceedings. This way they can keep their quality mark up to date.

⁵⁵ European Platform tackling undeclared work, (2019). Tackling undeclared work in the agricultural sector: a learning resource. Available at: <https://ec.europa.eu/social/BlobServlet?docId=20885&langId=en>

⁵⁶ EFBWW and FIEC, (2020). Tackling undeclared work in the construction industry: Toolkit. Available at: <https://www.efbww.eu/publications-and-downloads/reports-and-studies/toolkit-of-the-efbww-and-fiec-to-tackle-undeclared-work-in-the-c/737-a>

4. Deterrence and prevention

Based on the identified risks and undeclared work trends, and motivated by their common goals to promote fair and declared work, partners ideally develop joint deterrence and prevention measures to tackle undeclared work and its negative impact on the labour market.

There are two major deterrence approaches – better detection (through inspections or the use of social ID cards)

and improved penalties (sanctions, compliance lists). In terms of preventive strategies, these include education and awareness-raising campaigns, websites, information centres and guidelines, developed on the basis of social partners' insight. Moreover, collective agreements as well as legal provisions for corporate social responsibility can enhance compliance with labour legislation.

4.1 Establish common deterrence measures

Most deterrence measures aim to detect the use of undeclared work via joint inspections or using social ID cards at the workplace, or by increasing the costs of engaging in undeclared work via penalties.

4.1.1 Involving social partners in inspections according to the national mandate

Across the EU / EEA, there are national differences in terms of the mandate and the legal possibilities for social partners to be involved in labour inspections: in most countries, social partners have a limited role and are rarely involved in an inspection itself. However, they often provide tips which may lead to an inspection. In a few countries, there are joint inspections, which benefit from the workplace insight and direct links social partners have to workers and employers, as described below. In some countries social partners (usually trade unions) are even entitled to conduct inspections on their own (e.g., in Sweden).

Examples: Social partners' check-up visits and exchange of information for enforcing compliance

In **Iceland**, trade unions are involved in two types of monitoring compliance activities. The first one constitutes an independent trade union site visit to inform workers of their rights and obligations under collective bargaining agreements, occupational safety and health, and other social rights. Any uncovered instances of undeclared work during these visits are promptly forwarded to the labour inspectorates, the police, or any other relevant public authority.

Follow-up inspections are then performed by the la-

bour inspectorate. Whenever possible, social partners (usually trade unions) are also included, especially if the case originated from them. This practice exists on an ad-hoc basis since 2018, in the framework of the 'Multi-authority Working Group on Work related Crime and Social Dumping'.⁵⁷ The main steps of planning and implementing an inspection include: a) inspection briefing (establishing clear divisions of competences); b) on-site inspection (trade union representatives provide on-site insight and engage with workers on their rights and resources); c) debrief and next steps for follow-up.

Between May and October 2017, targeted and joint inspections were held in **Greece** in a collaborative effort between the Labour Inspectorate (SEPE) (as a coordinator), the Unified Social Security Institution (EFKA), the Financial and Economic Crime Unit (SDOE), the Financial Police, and with support from social partners such as the Athens Labour Union Organisation (EKA). The action was developed in the framework of the 2016 'Roadmap to implement a holistic integrated strategic approach towards tackling undeclared work in Greece'.

Joint activities included exchange and cross-check of data between the four public bodies⁵⁸, as well as joint inspections in which two inspectors carried out the actual check accompanied by two representatives of the social partners.⁵⁹ A total of 1 667 businesses were inspected, resulting in 508 penalties in the amount of EUR 4 187 726. The infringements were related to irregularities concerning 934 workers. The social partners also organised training for inspectors on undeclared and under-declared work and issued joint press releases.⁶⁰

57 European Platform tackling undeclared work, (22-23 June 2021). Presentation by Iceland at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

58 Adiloti Ergasia, (7 February 2017). Operational Plan. Available at: https://adiloti.org/wp-content/uploads/2017/02/FINAL_EN_PILOT-1.pdf

59 European Platform tackling undeclared work, (January 2020). Joint targeted inspections by the Greek Labour Inspectorate (SEPE) and the Athens Labour Union Organization (EKA). Available at: <https://ec.europa.eu/social/ajax/BlobServlet?docId=22205&langId=en>

60 European Platform tackling undeclared work, (22-23 June 2021). Presentation by Greece at the thematic review workshop on Successful approaches of cooperation

Social partners also play a substantial role in inspecting occupational health and safety issues which can be connected to undeclared work incidents. In Norway there are 'safety representatives', who provide advice to workers and follow-up with the labour inspectorate.⁶¹ In Sweden, the 'safety representatives' turn to the labour inspectorate in case the employer does not follow regulations.^{62, 63} Similarly, Belgium has 'well-being advisors' on health and safety, who are trained and employed by the paritarian fund in the construction sector.⁶⁴ Trade unions in Slovakia are authorised by the Labour Code to carry out similar health and safety monitoring (which are publicly funded) and can report their findings to the labour inspectorate.⁶⁵

Six EU Member States (Austria, Cyprus, Denmark, Finland, Italy and Sweden) have collective bargaining agreements which set minimum wages. In these countries, compliance with such agreements is monitored predominantly by the social partners. The rest of the Member States utilise statutory minimum wages,^{66,67} where the task of

ensuring compliance is a shared responsibility among ministries, inspectorates and social partners.⁶⁸ Labour inspectorates should take into account that such a system offers flexibility, but is also reliant on the autonomy of the social partners.⁶⁹

Another way to involve social partners is the co-design of enforcement tools, such as inspection methods, guidelines or checklists. For example, the Belgian checklist, drawn up in line with the Fair Competition Plan in the construction sector, lists what type of documents the inspector could ask of the company, the types of possible law violations which are being checked or when a worker could be in a situation of 'permitted absence'.⁷⁰ A shared understanding of the requirements helps employers to comply.

Tips: Depending on the national regulations, labour inspectors can assess the ways in which social partners can contribute to their inspections, as outlined in the table below.



Table 8. Social partners' possible input for inspections

Measure	Benefits	Key considerations
Joint inspection	In countries where legislation allows for the presence of social partners' representatives during labour inspections, social partners provide on-site insight and engage with workers by explaining their rights and possibilities for legal action	<ul style="list-style-type: none"> ► Clearly define competences and tasks on-site prior to the inspection ► Transparency is key, for example via a written inspection agreement ► Agree on an inspection follow-up, to monitor improvements and compliance
Health and safety compliance, for instance via 'health and safety representatives' described above	Alert labour inspectors on what aspects should be inspected, providing a direct link for workers to share their concerns	<ul style="list-style-type: none"> ► Set up reporting mechanisms with social partners which can inform inspections ► Are social partners able to accompany an inspection or can they contribute after the inspection?

between labour inspectorates and social partners.

61 Arbeidstilsynet, (2021). Regulations concerning Organisation, Management and Employee Participation, Chapter 3 Election. Available at: <https://www.arbeidstilsynet.no/en/laws-and-regulations/regulations/regulations-concerning-organisation-management-and-employee-participation/3/3-1/>

62 The safety representative can stop work in case of immediate or serious danger for the lives of the workers and to wait for the inspectors to take a position on the matter. This act is called a safety representative stop.

63 Swedish Work Environment Authority. 2021. Safety representatives. Available at: <https://www.av.se/en/work-environment-work-and-inspections/safety-representatives/>

64 European Platform tackling undeclared work, (22 - 23 June 2021). Comment by Norway and Belgium at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

65 International Labour Organization, (2021). Labour Inspection Structure and Organization Slovakia. Available at: https://www.ilo.org/labadmin/info/WCMS_209366/lang-en/index.htm

66 Eurofound, (2021). Minimum Wage. Available at: <https://www.eurofound.europa.eu/topic/minimum-wage#infographic>

67 ILO, (2020). Global Wage Report 2020–21: Wages and minimum wages in the time of COVID-19, International Labour Office, Geneva.

68 European Platform undeclared work, (22-23 June 2021). Presentation by the European Federation of Building and Woodworkers at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

69 Still, even in these countries the public authorities play a role (e.g., the Swedish Labour Court undertakes disputes that could not be resolved without litigation; the Centre of Excellence (LSDB) at the Vienna Regional Health Insurance Fund and the Public Employment Service (AMS) focus on tackling underpayment, and executing sanctions in case of violations.

70 Belgian Social Intelligence and Investigation Service (SIOD). Construction sector checklist. Available at: <https://www.siod.belgie.be/nl/flipbook-wrapper/bouwsector>

Measure	Benefits	Key considerations
Compliance with collective bargaining agreements	<p>Monitoring the enforcement of collective bargaining agreements (usually performed by trade unions)</p> <p>Social partners could also assist workers in initiating legal actions for the recovery of unpaid wages</p>	<ul style="list-style-type: none"> ► Set up reporting mechanisms with social partners which can inform inspections ► Are social partners able to accompany an inspection or can they contribute to the follow-up after the inspection? ► In what way can social partners contribute to ensuring victims of violations gain access to justice?
Co-design of enforcement tools, e.g., guidelines or checklists	Guidance from workers' / employers' perspective	<ul style="list-style-type: none"> ► Sectoral cooperation agreements provide good guidance to co-design inspection material ► Include the benefits of declared work or possible sanctions in the tools and guidelines
Other measures, such as notification letters	Some suspected undeclared work cases observed by social partners may be better addressed by other measures, such as notification letters if the number of companies is large	<ul style="list-style-type: none"> ► What is the best deterrent for the undeclared work case? ► What can social partners bring, e.g. list of companies? ► Can the deterrence measures be coupled with preventive measures involving social partners?

As labour mobility within the EU grows, so do concerns around undeclared work and social fraud in cross-border context. This requires more sophisticated cross-border actions in two or more countries. Therefore, it is necessary to involve a wide range of stakeholders - other national authorities, EU-level bodies (such as ELA, EU-OSHA, EUROPOL, EUROJUST) and social partners. For example, social partners could help prepare cross-border inspections, providing support through their expertise on assessing compliance with labour, health and safety standards. In accordance with Article 8 of the ELA Regulation 2019/1149,⁷¹ social partner organisations at national level may also bring cases to the attention of the Authority.

As in national inspections, social partners may also participate in cross-border joint and concerted inspections⁷² to inform inspectors about certain sectors and specific labour mobility issues. However, as with foreign inspectors, the status of a foreign social partner representatives to take part in inspections on another territory can be subject to legal barriers (the mandate of social partners is tied to national legislation which varies between coun-

tries). Cross-border inspections with the involvement of social partners therefore requires a mutual recognition of the autonomy of national social partners and their respective legal role and competences.

4.1.2 Detection: Enforcing the use of social identity cards

Another common deterrence measure, which social partners and labour inspectorates could implement jointly, is the use of social identity cards^{73,74} worn by workers at the workplace. Such identity cards, used in e.g. Belgium, Iceland, Finland, Norway and Sweden, help social partners and labour inspectorates to identify workers and their employers, especially in subcontracting chains of employment. Several good examples are showcased in the box below.

⁷¹ Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32019R1149&from=EN>

⁷² European Labour Authority, (December 2020). Guidelines for Concerted and Joint Inspections. Available at: https://www.ela.europa.eu/sites/default/files/2021-02/Item01_Guidelines-for-concerted-and-joint-inspections.pdf

⁷³ EFBWW and FIEC, (2020). Toolkit: Tackling undeclared work in the construction industry. Available at: <https://www.efbww.eu/publications-and-downloads/reports-and-studies/toolkit-of-the-efbww-and-fiec-to-tackle-undeclared-work-in-the-c/737-a>

⁷⁴ EFBWW and FIEC, (2015). Social Identity Cards in the European Construction Industry. Available at: <https://www.efbww.eu/publications-and-downloads/reports-and-studies/nunc-auctor-elit-sit-amet-accumsan-pretium/36-a>

Examples of social ID cards in the construction sector in Belgium, Norway, France, Spain and Iceland

In **Belgium**, social partners have initiated the voluntary use of social ID cards in the construction sector (ConstruBadge) to regulate the access of workers to construction sites, stimulate healthy competition and contribute to the fight against social dumping. The badge is funded by a paritarian fund of the construction sector (Constructiv).⁷⁵ Still, the badge is voluntary and covers only construction workers, leaving electricians, painters, wood workers outside its scope.⁷⁶

All employers in the construction sector and cleaning services in **Norway** are obliged to order health, safety and environment (HSE) Cards, issued by the Labour Inspection Authority, for their national and foreign employees. The electronic data of the HSE Cards is checked by social partners and public authorities, as it constitutes a proof that the worker is registered in the official registers (tax, social security). Particularly serious cases can be reported to the police.⁷⁷

Social ID cards in construction, hotels and restaurants

are utilised in **Iceland**, based on an agreement between the Icelandic Confederation of Labour and the Confederation of Icelandic Employers. The social partners inspect the presence of social ID cards. However, the cards are also useful to the labour inspectors, helping them identify workers and subcontractors during on-site visits. The cards further support the risk analysis of all relevant enforcement authorities, since they are only issued to employees and employers registered in the national registers.^{78,79}

In **France**, the professional card 'Carte d'identification professionnelle' (CIP)⁸⁰ is mandatory under certain conditions in the construction sector and is managed by a network of employers called 'Union des caisses de France Congés Intempéries BTP'. Trade unions are not involved in CIPs' management.

The **Spanish Professional Construction Card (TPC)** confirms that the worker has undergone OSH training, professional qualifications and experience in the sector. The TPC is issued by the paritarian institution FLC (Fundacion Laboral de la Construcción).⁸¹

4.2 Establish common prevention and awareness-raising measures

Prevention and awareness-raising measures help labour inspectorates prevent undeclared work occurring in the first place, rather than dealing with it after it has occurred. For example, joint information tools and approaches for simplified procedures can incentivise workers and employers to comply with the law. Social partners provide a direct link to workers and employers and can often test and run approaches via them.

4.2.1 Awareness-raising campaigns

Collaboration between labour inspectorates and social partners supports awareness raising about declared work and makes out-reach more effective, for instance via targeting companies where undeclared work has

been detected in the past. Examples of awareness raising campaigns are presented below:

Examples of jointly implemented awareness-raising campaigns

'Bad for you! Harmful for all!', Portugal: The campaign was implemented by the Portuguese Authority for Working Conditions, social security, immigration and training public bodies,⁸² as well as six social partners.⁸³ Overall, 129 awareness-raising activities took place, reaching 6 607 participants. In addition, inspection visits took place which detected a total of 9 073 undeclared workers, 40 % of whom opted for a voluntary regularisation. The campaign resulted in recovering workers' salaries amounting to EUR 20.8 million and social security revenues of EUR 4.7 million.^{84,85}

75 Constructiv, (2020). Construbadge. Available at: <https://constructiv.be/en-US/Werkgevers/ConstruBadge.aspx>

76 European Platform tackling undeclared work, (22-23 June 2021). Comment by Belgium at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

77 Norwegian Labour Inspection Authority. HSE cards in building and construction. Available at: <https://www.arbeidstilsynet.no/en/hse-cards/hse-cards-in-building-and-construction/>

78 European Platform tackling undeclared work, (22-23 June 2021). Comment by Iceland at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

79 Eurofound, (02 June 2013). Workplace ID cards, Iceland. Available at: <https://www.eurofound.europa.eu/data/tackling-undeclared-work-in-europe/database/work-place-id-cards-iceland>

80 Carte D'Identification Professionnelle. Qui sommes-nous? Available at: <https://www.cartetbtp.fr/>

81 EFBWW-FIEC, (2020). Toolkit for tackling undeclared work in the construction industry. Available at: <https://www.efbww.eu/publications-and-downloads/reports-and-studies/toolkit-of-the-efbww-and-fiec-to-tackle-undeclared-work-in-the-c/737-a>

82 Social Security Institute (ISS), Employment and Vocational Training Institute (IEFP), Immigration and Borders Service (SEF) and High Commission for Migration (ACM).

83 Business Confederation of Portugal - CIP, Confederation of Trade and Services of Portugal - CCP, Portuguese Tourism Confederation - CTP, Confederation of Farmers of Portugal - CAP, General Union of Workers - UGT and General Confederation of Portuguese Workers - National Inter-union - CGTP-IN.

84 Regional Cooperation Council / Western Balkan Network tackling undeclared work (2021), Improving Social Partner Involvement in Tackling Undeclared Work: A Toolkit. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3835333

85 European Platform tackling undeclared work, (2017). Practice fiche. Awareness-Raising Campaign, Portugal. Available at: <https://ec.europa.eu/social/ajax/BlobService?docId=18741&langId=en>

'I work legally', Poland: The 2017-2019 awareness raising campaign (<https://www.prawawpracy.pl/>) was initiated by the National Labour Inspectorate (NLI), under the patronage of the Parliament Speaker. It was supported by the Social Insurance Institution (ZUS), Lewiatan Confederation, the All-Poland Alliance of Trade Unions, Employers of Poland, Polish Craft Association, NSZZ Solidarity, and the Association for Legal Intervention. In 2017, ZUS carried out a survey, indicating that the campaign was very well-received, and that there was an increased demand by Polish companies for information on employment regulations of migrant workers.⁸⁶

Action Alliances, Germany: The initiative gathers representatives of the Federal Ministry of Finance (BMF), the Central Customs Authority and social partners (employers' associations and trade unions). The first Action Alliance was set up in 2004 in the construction sector, followed by eight other sectors. Their aim is to raise awareness about the negative impact of undeclared work and illegal employment amongst employers and workers, and to work to prevent it from occurring.⁸⁷

Active involvement of social partners in the design and the implementation of awareness-raising campaigns secures joint commitment and ownership. Key considerations for a joint campaign are:⁸⁸

- ▶ Dedicated funding should be foreseen to ensure social partner involvement in the campaign.
- ▶ Set a clear objective on what you want to achieve – What do you want people to understand or do as a result of the campaign? To ensure shared ownership and commitment, make sure to involve social partners already from the start, from design and implementation to evaluation of the campaign.
- ▶ Select your key audience, here social partners can provide information on demographics, educational background, or appropriate communication channels.
- ▶ Select a clear message, based on your objective and the target group. Social partners can advise on messages (do they need to be provided in different languages, formal/informal language, does 'personal story telling work'?) In general, the message should be simple and include a 'call for action', for instance, using a reporting tool provided by social partners.

- ▶ Select sender and dissemination channels: here, social partners are key for effective dissemination; they can be the message sender themselves (what role can health and safety (see section 2.3) or shop stewards play (see section 2.3), or advice which person (industry representative, celebrity) can do so. In terms of dissemination channels (website, leaflets, videos, social media, mobile phone apps), social partners can provide guidance on which channels to use to reach workers and employers, they may also use their own media and communication channels for dissemination.
- ▶ Outcomes: agree on the desired outcomes and how this can be measured. For instance, do social partners have access to employer surveys' which could be used to monitor the impact of the campaign?

Furthermore, education and training, which can both be part of overall awareness-raising measures, allow for more direct contact with employers, workers, or people who will soon enter the labour market. Social partners are well placed to promote a positive narrative on declared work as a means for fair and safe conditions for workers, fair competition and a fair level playing-field among businesses. Practices from Greece, Iceland and Slovakia are presented below.

Examples: Education and training initiatives

The **Greek Labour Inspectorate (SEPE) and social partners** informed in 2017 about the benefits of seasonal, declared work with an emphasis on the employment and social rights of workers, as well as the dangers of non-compliance. This was targeted at students who were likely to pick up seasonal jobs in their summer break and involved 45 minutes of informative sessions led by two inspectors from SEPE and representatives of social partners such as the Hellenic Federation of Enterprises (SEV), the Hellenic Confederation of Professionals, Craftsmen and Merchants (GSEVEE), the Association of Greek Tourism Enterprises (SETE) and others. A total of 15 schools were visited, with 70 pupils from each school attending the presentations.⁸⁹

In **Iceland**, employers' organisations support employers in complying with the collective bargaining agreements and their legal obligations. They offer specialist services in labour and business law, assist companies in drafting contracts with workers, represent and / or advise employers in industrial disputes and offer information.⁹⁰

⁸⁶ European Platform tackling undeclared work, (22-23 June 2021). Presentation by Poland at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

⁸⁷ European Platform tackling undeclared work, (2017). Good practice fiche. Action Alliances against undeclared work and illegal employment between the Federal Ministry of Finance and the social partners. Available at: <https://ec.europa.eu/social/ajax/BlobServlet?docId=18056&langId=en>

⁸⁸ See more at: European Platform tackling undeclared work, (2019). Practitioner toolkit: information tools and approaches to reach out to workers and companies in the fight against undeclared work. Available at: <https://ec.europa.eu/social/BlobServlet?docId=19894&langId=en>

⁸⁹ European Platform tackling undeclared work, (22-23 June 2021). Presentation by Greece at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

⁹⁰ SA Confederation of Icelandic Enterprise, Services (Þjónusta). Available at: <https://www.sa.is/vinnumarkadur/thjonusta>

In **Slovakia** the labour inspectorates cooperate and exchange information with employers' organisations through joint publications, which inform and guide companies (the organisations members) on how to comply with regulations. In addition, the Slovak Confederation of Trade Unions has a 10-year long tradition of inviting the National Labour Inspectorate, the Public Health Office and other relevant public bodies to training provided by the Confederation's occupational safety and health inspectors. The 3-day training is followed by a round table, where participating trade union inspectors and the public servants discuss labour law issues (safety and health at work, dangers of illegal / undeclared employment (in the context of depriving workers of social protection in case of occupational accidents)).⁹¹

4.2.2 Incentivise declared work

Incentivising measures, such as the simplification for compliances, tax calculators or ways to regularise undeclared work, make it easier to engage in declared work and to see its benefits. Joint actions to develop supply-side incentives (making declared work easier and more beneficial for employers and workers) and demand-side incentives (making declared work more attractive for consumers) have been largely undeveloped. This is a major gap that joint actions between labour inspectorates and social partners need to fill in the future.

Detailed consideration needs to be given to what social

partners and labour inspectorates can do together to make declared work easier and beneficial for employers, workers, and consumers. This might include cooperation on: the use of social labels to encourage socially responsible purchasing, such as European Federation of Food, Agriculture, and Tourism Trade Unions (EFFAT) 'Just Tourism' initiative in the hotel sector (<http://www.justtourism.org/>), or formalisation advice to start-ups, and regularisation support and advice to existing non-compliant workers and businesses.

Social partners are often at the forefront in developing information tools, such as mobile phone apps and online calculators which incentivise employers to declare their workers. Such tools can be incorporated in wider awareness-raising activities.

For instance, the Confederation of Independent Bulgarian Syndicates (KNSB) released an application named 'VOX', through which users can report irregularities on the labour market. These cases are reviewed by the KNSB experts and forwarded to the relevant public authority. The app is a part of the campaign 'The grey kills', a joint initiative between KNSB, the General Labour Inspectorate and the National Revenue Agency, aimed at bringing attention to the problems workers face in the informal economy, and the need for improvements in the legislation. Another example is the '[Student@work](#)' mobile app which was developed by the Belgian National Office for Social Security (RSZ / ONSS). The app allows the user to check how many hours they have left to work as a student with reduced social contributions in Belgium.

⁹¹ European Platform tackling undeclared work, (22 July 2021). Follow-up meeting: Successful approaches of cooperation between labour inspectorates and social partners.

5. Evaluating and monitoring the positive effects of cooperation

Evaluating joint activities enables a check on progress towards the common goals and improves future collaboration. It also justifies future cooperation, by presenting evidence on how the activities have protected workers' rights, fair competition and developed a positive image of law enforcement authorities.

As mentioned in section 2.6, agreements should include clear goals and ways to measure them. It is also crucial for labour inspectorates to share key findings from risk assessments and inspections with social partners and other public authorities (social security, tax, health and safety, etc.) at national and cross-border level, especially if inspections were initiated as a consequence of social partner's insight. This could encourage learning between partners and inspire the design of new undeclared work counter-measures or cooperation procedures.

An example of an evaluation performed in Norway is presented in the box below.

Evaluation of sectoral tripartite programmes in Norway

- ▶ The sectoral tripartite programmes in Norway were assessed with the following aims;⁹²
- ▶ Document and evaluate the implementation of the programmes;

- ▶ Assess the extent to which the industry programmes have functioned as intended and fulfilled their goals;
- ▶ Give recommendations for further work in the area.

To fulfil these objectives, the evaluation team:

- ▶ Examined the various parties' perceptions of the goals for the collaboration, as well as whether these are in accordance with the expectations set;
- ▶ Mapped how the work in the industry programmes is organised and what roles the various actors play (including if differences can be identified in the approaches of the partners);
- ▶ Investigated whether the activities are, and are perceived to be, relevant in terms of the challenges; and finally -
- ▶ Interviewed participants were asked about perceived barriers and success criteria.

In conclusion, the evaluation recommends that the programmes are better planned and operationalised in the future through sector-specific goals. It also underlines the potential for stronger involvement of the Working Life and Pension Policy Council, which maintains the dialogue between the Norwegian Ministry of Labour and Social Affairs and social partners.

⁹² Deloitte, (May 2020). Efforts for a more serious working life. Evaluation report for the Ministry of Labor and Social Affairs. Available at: <https://www2.deloitte.com/no/no/pages/public-sector/articles/evaluating-av-treparts-bransjeprogram-som-arbeidsform.html> and Deloitte / Ministry of Labor and Social Affairs, (May 2020). Evaluation of tripartite industry programs. Available at: <https://info.deloitte.no/rs/777-LHW-455/images/deloitte-evaluering-av-treparts-bransjeprogram-som-arbeidsform-14052020.pdf>

6. Conclusion

Trust is the key ingredient to successful cooperation between social partners and labour inspectorates. Trust takes time to establish, and requires both formal efforts and informal channels of successful cooperation. While this toolkit outlines the most common formal steps to build successful cooperation and trust, informal contact is equally crucial for a good working relation.

Across EU / EEA countries, trade unions and employers' organisations play different roles in the formulation and implementation of policies to address undeclared work. Despite national differences, successful collaboration between labour inspectorates and social partners brings together authorities' investigative powers and social partners' knowledge and local workplace insight. This enables efficient and effective information exchange and an early detection of undeclared work trends, better and direct communication to employers and workers and a more harmonised enforcement of legislation and collective agreements.

To conclude, below are recommendations to enhance cooperation between labour inspectorates and social partners.

Labour inspectorates can improve their cooperation with social partners by:

- ▶ Assessing existing formal or informal cooperation with social partners and identify how to work with partners in sectors with high undeclared work (e.g. in the domestic and care work sector⁹³);
- ▶ Identifying new potential partners, their know-how and competences. In case of suspected cross-border undeclared work trends, labour inspectorates should seek out cross-border collaboration, considering also EU-level social partners and projects they have been involved in;
- ▶ Piloting smaller joint projects, which could later be replicated in new areas and upscaled with a wider range of activities;
- ▶ Initiating regular dialogue through meetings and consultations with social partners at managerial and operational level;
- ▶ Planning joint activities based on clear task distribution, explained during debriefings and task force meetings;
- ▶ Social partners' expertise on workers' and employ-

ers' needs are crucial when developing information tools and selecting the appropriate outreach to them;

- ▶ Even if social partners have a more limited role in detection, labour inspectors can think about ways to involve their knowledge, for example via follow-up inspections based on tips by social partners.
- ▶ Giving social partners a prominent role to input in strategic and operational decisions within the authority;
- ▶ Involving social partners in risk assessment, such as ways to share anonymised information or even access to common databases. Including social partners' input on red flags and data-mining techniques for identifying non-compliant companies;
- ▶ Developing monitoring and evaluation, including analysing the efficiency and impact of the cooperation (e.g., through discussions) and its future improvement.

Social partners can improve their cooperation with labour inspectorates by:

- ▶ Identifying challenges to partnership building at various levels and seeking solutions at the relevant national, regional, local level with labour inspectorates;
- ▶ Recognise their role and relevance for the various services of the labour inspectorate (e.g., referrals, exchange of information, detection, prevention, joint inspections);
- ▶ Allocating staff to the objective of partnership building with the labour inspectorate and clearly singling out the specific activities and contributions expected from staff members who have the objective of partnership building with the labour inspectorate;
- ▶ Assessing existing formal or informal cooperation with labour inspectorates and identifying how to work with them in sectors with high undeclared work (e.g., in the domestic and care work sector);
- ▶ Piloting smaller joint projects, which could later be replicated in new areas and upscaled with a wider range of activities;

⁹³ According to the Special Eurobarometer 498 Undeclared Work in the European Union (February 2020) 27% in the personal services (childcare, elderly care and cleaning) are carried out in the form of undeclared work, a percentage above other activities such as construction and hospitality.

- ▶ Initiating regular dialogue through meetings and consultations with labour inspectorates at managerial and operational level;
- ▶ Developing transparent agreements with clearly defined responsibilities;
- ▶ Developing monitoring and evaluation with the partners, including analysing the efficiency and impact of the cooperation (e.g., through discussions) and its future improvement.

To further strengthen social dialogue and cooperation with social partners, national policymakers can support these activities by:

- ▶ Setting the cooperation between labour inspectorates and social partners as a specific policy objective and part of the governments' holistic approach in official documents such as strategies and plans. This step is especially important in order to secure political support, and investments in staff, technology and knowledge-building. This can be backed up by incentivising cooperation via funding;
- ▶ Showcase political commitment to collaboration by signing sector-specific agreements and guaranteeing funding, so that plans and strategies are implemented at national level;
- ▶ Review if a legal change would be reasonable and beneficial (for example to grant social partners the right to either carry out own inspections and / or shadow labour inspectors during on-site visits or to involve social partners in the management boards of public authorities);
- ▶ In case collaboration between social partners and labour inspectorates need to be further improved, statutory obligations for consultation with social partners can be considered.

At EU level:

- ▶ The mandate of social partners from different EU / EEA countries needs to be mutually recognised in order to set up common cross-border measures; for instance, the role of social partners in inspections in one country needs to be taken into account when performing joint inspections in another country;
- ▶ EU-funded projects and the EU-level social partners can be instrumental in developing cooperation across borders. The European social partner organisations can form the link between the EU

level and national social partner organisations. However, for activities on the ground the involvement of national social partners remains key.

The European Labour Authority (ELA)⁹⁴ could play a specific support role in that regard, for example by:

- ▶ Facilitating information exchange tools such as online platforms and databases, with open access (where appropriate) for all stakeholders, including the social partners and the general public;
- ▶ ELA could offer technical, administrative, logistical, financial or other support for information campaigns to address issues raised by social partners. European and national social partner organisations may function as multipliers when it comes to disseminating information;
- ▶ ELA could develop, in cooperation with national authorities and social partners, common (non-binding) guidelines for Member States and social partners. These may include further guidance on how to involve social partners in (cross-border) risk assessment or information tools;
- ▶ Showcasing the benefits of cooperating with social partners, by disseminating good examples or developing training and capacity-building programmes;
- ▶ Providing a platform where labour authorities and national social partners could meet, exchange opinions, and agree on joint actions (either at EU level or in smaller formats based on geographical proximity, common language, flows of workers and/or migrants);
- ▶ ELA could assess with Member States and social partners risks of cross-border undeclared work and carry out analyses regarding labour mobility and social security coordination across the Union. As set out by Article 23 of the ELA founding Regulation, the ELA Stakeholder Group composed of representatives from social partner organisations may contribute to the risk assessments and labour mobility analyses conducted by the Authority;^{95 96}
- ▶ Support the relevant national authorities with methodological advice, for example on how to map social partners and their competences in view of their possible involvement in cross-border inspections.

⁹⁴ Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32019R1149&from=EN>

⁹⁵ Ibid

⁹⁶ European Labour Authority, (December 2020). Workflow guidance for Social partner organizations at national level to bring cases to the attention of ELA. Available at: https://www.ela.europa.eu/sites/default/files/2021-02/Item02_Workflow-guidance-for-social-partners.pdf

References

- Adiloti Ergasia, (7 February 2017). Operational Plan. Available at: https://adilotiergasia.org/wp-content/uploads/2017/02/FINAL_EN_PILOT-1.pdf
- Agencia Estatal Boletín Oficial del Estado, (2018). Resolución de 17 de julio de 2018, de la Dirección General de Trabajo, por la que se registra y publica el IV Acuerdo para el Empleo y la Negociación Colectiva. Available at: https://www.boe.es/diario_boe/txt.php?id=BOE-A-2018-10096
- Arbeidstilsynet, (2021). Regulations concerning Organisation, Management and Employee Participation, Chapter 3 Election. Available at: <https://www.arbeidstilsynet.no/en/laws-and-regulations/regulations/regulations-concerning-organisation-management-and-employee-participation/3/3-1/>
- Belgian Social Intelligence and Investigation Service (SIOD), (2015). Plan for Fair Competition. Available at: https://www.siod.belgie.be/sites/default/files/Downloads/Protocolen/NL/PEC/pec_bouw_08072015_nl.pdf
- Belgian Social Intelligence and Investigation Service (SIOD). Construction sector checklist. Available at: <https://www.siod.belgie.be/nl/flipbook-wrapper/bouwsector>
- Belgian Social Intelligence and Investigation Service (SIOD). Guidelines. Available at: <https://www.siod.belgie.be/nl/guidelines>
- Bulgarian Industrial Capital Association, (1 July 2021). Available at: <https://bica-bg.org/%d0%b0%d0%b8%d0%ba%d0%b1-%d0%bf%d1%80%d0%b5%d0%b4%d1%81%d1%82%d0%b0%d0%b2%d0%b8-%d0%bc%d0%b5%d1%82%d0%be%d0%b4%d0%b8%d0%ba%d0%b0-%d0%b7%d0%b0-%d0%bf%d1%80%d0%b5%d0%b2%d0%b5%d0%bd%d1%86%d0%b8%d1%8f/>
- Carte D'Identification Professionnelle. Qui sommes-nous? Available at: <https://www.cartetbp.fr/>
- Constructiv, (2020). Construbadge. Available at: <https://constructiv.be/en-US/Werkgevers/ConstruBadge.aspx>
- Deloitte / Ministry of Labor and Social Affairs, (May 2020). Evaluation of tripartite industry programs. Available at: <https://info.deloitte.no/rs/777-LHW-455/images/deloitte-evaluering-av-treparts-bransjeprogram-som-arbeidsform-14052020.pdf>
- Deloitte, (May 2020). Efforts for a more serious working life. Evaluation report for the Ministry of Labor and Social Affairs. Available at: <https://www2.deloitte.com/no/no/pages/public-sector/articles/evaluering-av-treparts-bransje-program-som-arbeidsform.html>
- Dutch Labour Inspectorate SZW, Tax Authorities and Labor Standards Foundation, (8 January 2016). Information exchange protocol.
- Economy in the Light initiative (2020). Public Council. Available at: <https://www.ikonomikanasvetlo.bg/index.php?section=INT&aid=89&subid=101&lang=>
- EFBWW and FIEC, (2015). Social Identity Cards in the European Construction Industry. Available at: <https://www.efbww.eu/publications-and-downloads/reports-and-studies/nunc-auctor-elit-sit-amet-accumsan-pretium/36-a>
- EFBWW and FIEC, (2020). Toolkit: Tackling undeclared work in the construction industry. Available at: <https://www.efbww.eu/publications-and-downloads/reports-and-studies/toolkit-of-the-efbww-and-fiec-to-tackle-undeclared-work-in-the-c/737-a>
- EFBWW and FIEC, Paritarian Social Funds in the Construction Industry. Available at: <https://paritarian-funds-construction.eu/fund.php?id=4&cat=&country=&kw=&adv=&offset=0>
- EFBWW, (1 July 2019). Tackling undeclared work in the construction industry – TUWIC. Available at: <https://www.efbww.eu/eu-projects/running/nullam-erat-magna-eleifend-ut-metus-vel/2-a>

EFFAT, (12 June 2020). National measures targeting seasonal workers to address labour shortages (particularly in the agricultural sector). Available at: https://www.etuc.org/sites/default/files/publication/file/2020-06/Covid-19%20Briefing%20Seasonal%20Workers%20Final_updated%2012%20June%202020.pdf

Eurofound, (02 June 2013). Workplace ID cards, Iceland. Available at: <https://www.eurofound.europa.eu/data/tackling-undeclared-work-in-europe/database/workplace-id-cards-iceland>

Eurofound, (2017). Austria: Updated law against wage and social dumping comes into force. Available at: <https://www.eurofound.europa.eu/publications/article/2017/austria-updated-law-against-wage-and-social-dumping-comes-into-force>

Eurofound, (2021). Minimum Wage. Available at: <https://www.eurofound.europa.eu/topic/minimum-wage#infographic>

European Association of Paritarian Institutions (AEIP) website. Available at: <https://socialprotection.org/connect/stakeholders/european-association-paritarian-institutions-aeip>

European Commission, Employment, Social Affairs and Inclusion DG, Unit A2: Social Dialogue, (2016). The role of social partners in the design and implementation of policies and reforms. Available at: <https://ec.europa.eu/social/BlobServlet?docId=16464&langId=en>

European Commission, Directorate-General for Employment, Social Affairs and Inclusion, (2019). Annual Review 2019: Employment and Social Developments in Europe. Sustainable growth for all: choices for the future of Social Europe, pp 215-216. Available at: <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8219&furtherPubs=yes>

European Commission, DG Employment, Social Affairs & Inclusion, (2017). Factsheet on Undeclared Work – DENMARK. Available at: <https://ec.europa.eu/social/ajax/BlobServlet?docId=18159&langId=en>

European Construction Industry Federation and European Federation of Building and Woodworkers, (2020). Joint statement by the European social partners in the construction sector. Available at: www.fiec.eu/application/files/1016/0129/3370/2020-09-24_-_FIEC-EFBWW_Joint_statement_Undeclared_Work.pdf

European Construction Industry Federation, (2020). Tackling Undeclared Work in the Construction Sector (TUWIC). Available at: <https://www.fiec.eu/our-projects/completed-projects/tuwic>

European Labour Authority, (December 2020). Guidelines for Concerted and Joint Inspections. Available at: https://www.ela.europa.eu/sites/default/files/2021-02/Item01_Guidelines-for-concerted-and-joint-inspections.pdf

European Labour Authority, (December 2020). Workflow guidance for Social partner organizations at national level to bring cases to the attention of ELA. Available at: https://www.ela.europa.eu/sites/default/files/2021-02/Item02_Workflow-guidance-for-social-partners.pdf

European Platform tackling undeclared work, (2017). Good practice fiche. Action Alliances against undeclared work and illegal employment between the Federal Ministry of Finance and the social partners. Available at: <https://ec.europa.eu/social/ajax/BlobServlet?docId=18056&langId=en>

European Platform tackling undeclared work, (2017). National and Bilateral Agreements and Memoranda of Understanding to Tackle Undeclared Work Available at: <https://ec.europa.eu/social/BlobServlet?docId=18041&langId=en>

European Platform tackling undeclared work, (2017). Practice fiche. Awareness-Raising Campaign, Portugal. Available at: <https://ec.europa.eu/social/ajax/BlobServlet?docId=18741&langId=en>

European Platform tackling undeclared work, (2017). Report from the working group on social partner success stories. Available at: <https://ec.europa.eu/social/BlobServlet?docId=18479&langId=en>

European Platform tackling undeclared work, (2017). Success stories in preventing and combatting undeclared work. Available at: <https://ec.europa.eu/social/BlobServlet?docId=18480&langId=en>

European Platform tackling undeclared work, (2018). Foundation for Compliance to the Collective Labour Agreement for Agency Workers (SNCU) - Enforcing compliance to collective labour agreements, Netherlands. Available at: <https://ec.europa.eu/social/ajax/BlobServlet?docId=19449&langId=en>

European Platform tackling undeclared work, (2019). Practitioner toolkit: Information Tools and Approaches to Reach Out to Workers and Companies in the Fight against Undeclared Work. Available at: <https://ec.europa.eu/social/Blob->

[Servlet?docId=19894&langId=en](#)

European Platform tackling undeclared work, (2019). Social partners and their key role in tackling undeclared work: 12 success stories. Available at: <https://ec.europa.eu/social/BlobServlet?docId=22264&langId=en>

European Platform tackling undeclared work, (2019). Tackling undeclared work in the agricultural sector: a learning resource. Available at: <https://ec.europa.eu/social/BlobServlet?docId=20885&langId=en>

European Platform tackling undeclared work, (2019). Toolkit on risk assessments for more efficient inspections as a means to tackle undeclared work. Available at: <https://ec.europa.eu/social/BlobServlet?docId=20862&langId=en>

European Platform tackling undeclared work, (October 2019). Exchange of information and data protection in tackling undeclared work. Working paper for Plenary session on 24-25 October 2019.

European Platform undeclared work, (2020). Holistic approach to tackling undeclared work and national strategies. Available at: <https://ec.europa.eu/social/BlobServlet?docId=23099&langId=en>

European Platform tackling undeclared work, (2020). Outputs of the ninth plenary meeting of the European Platform undeclared work, 5-6 October 2020, virtual meeting. Available at: <https://ec.europa.eu/social/BlobServlet?docId=23839&langId=en>

European Platform tackling undeclared work, (January 2020). Joint targeted inspections by the Greek Labour Inspectorate (SEPE) and the Athens Labour Union Organization (EKA). Available at: <https://ec.europa.eu/social/ajax/BlobServlet?docId=22205&langId=en>

European Platform tackling undeclared work, (2021). Glossary. Available at: <https://ec.europa.eu/social/main.jsp?catId=1323&langId=en>

European Platform tackling undeclared work, (22-23 June 2021). Presentations at the thematic review workshop on Successful approaches of cooperation between labour inspectorates and social partners.

European Trade Union Institute, (2021). Collective Bargaining Systems in Europe. Some Stylised Facts. Available at: <http://www.worker-participation.eu/content/download/7038/112196/file/M%C3%BCller%202021%20CB-Systems-in-Europe-EN.pdf>

Fackförbund, Pros and cons of trade unions (Fördelar och nackdelar med facket). Available at: <https://fackförbund.nu/tips-och-artiklar/rad-stod/foerdelar-och-nackdelar-med-facket/> and SAK, Benefits of membership (Jäsenedut). Available at: <https://www.sak.fi/ammattiliitot/jasenedut>

García, A. B., Pender, E., Elgoibar, P., Munduate, L and Euwema, M., (2015). The tower of power: Building innovative organisations through social dialogue, pp 179-197, in: Euwema et al. Promoting Social Dialogue in European Organizations. Available at: <https://link.springer.com/book/10.1007%2F978-3-319-08605-7>

General Union of Temporary Employment Agencies (ABU). Quality and standardization: SNA quality mark. Available at: <https://www.abu.nl/kennisbank/keurmerk/kwaliteit-en-normering-sna-keurmerk/>

Grand Duchy of Luxembourg (17 February 2020). Tripartite: Luxembourg's social model. Available at: <https://luxembourg.public.lu/en/society-and-culture/political-system/tripartite.html>

Greek Act No. 1264/82, respecting the democratisation of the trade union movement and the protection of workers' trade union freedoms. Available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=&p_isn=10259

Greek Law N° 4144/2013 tackling delinquency within the Social Security sector and the labor market and providing for other issues falling under the jurisdiction of the Ministry of Labour, Social Security and Welfare. Available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100435&p_count=75&p_classification=01

Greek Law No. 3996 of 2011 concerning the reform of the Employment Inspectors Body and provisions of Social Security issues. Available at: http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=es&p_isn=89552

International Labour Organization, (2013). Labour Inspection and Undeclared Work in the EU (LAB/ADMIN Working Document No.29). Working Paper, International Labour Organization.

International Labour Organization, (2016). Diagnostic report on undeclared work in Greece. Available at: https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/projectdocumentation/wcms_531548.pdf

International Labour Organization, (2020). Global Wage Report 2020–21: Wages and minimum wages in the time of COVID-19, International Labour Office, Geneva.

International Labour Organization, (2021). Labour Inspection Structure and Organization Slovakia. Available at: https://www.ilo.org/labadmin/info/WCMS_209366/lang-en/index.htm

Irish Revenue public offices website, (2021). Reporting shadow economy activity (tax evasion). Available at: <https://www.revenue.ie/en/corporate/assist-us/reporting-shadow-economy-activity/hidden-economy-monitoring-group-hemg.aspx>

Labor Standards Foundation (SNA). Available at: <https://www.normeringarbeid.nl/>

Langsorganisation i Sverige, Work and laws – the shop steward law (Jobbet och lagarna – förtroendemannelagen), page 6. Available at: [https://www.lo.se/home/lo/res.nsf/vRes/lo_1365274746462_2992_1_fortroendemannalagen_webb.pdf/\\$File/2992-1_Förtroendemannalagen_webb.pdf](https://www.lo.se/home/lo/res.nsf/vRes/lo_1365274746462_2992_1_fortroendemannalagen_webb.pdf/$File/2992-1_Förtroendemannalagen_webb.pdf)

Lapeyre and Williams, (2020). Designing effective policy and coordination frameworks for transition to formality. In Islam, I. and Lapeyre, F. (eds.) *Transition to Formality and Structural Transformation: Challenges and Policy options*, ILO, Geneva, pp. 22-61.

Memorandum of Understanding between the National Labor Inspectorate (INL) and CNCE (Commissione Nazionale Paritetica per le Casse Edili / Joint National Committee for Building Workers' Welfare Funds), (11 March 2021). Available at: https://olympus.uniurb.it/index.php?option=com_content&view=article&id=25046:inl-cncc1132021&catid=81&Itemid=142

Ministerio de Trabajo, Migraciones y Seguridad Social, (2018). National Plan for Decent Work. Available at: https://www.mites.gob.es/ficheros/ministerio/plandirector/National_Plan_for_Decent_work.pdf

Ministry of Agriculture, Food and Forestry Policies, (2015). Available at: <https://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/9062>

Motiivi, (5 November 2018). 5 things you need to know about the tripartite (5 asiaa, jotka sinun tulee tietää kolmikannasta). Available at: <https://motiivilehti.fi/lehti/artikkeli/kolmikanta-on-jalleen-kaikkien-huulilla-mutta-mita-se-oik-easti-tarkoittaa-5-asiaa-jotka-sinun-tulee-tietaa-kolmikannasta/>

National Council of the Slovak Republic, (9 February 2007). Act No. 103/2007, Collection of Laws on Tripartite Consultations at the National Level and on Amending and Supplementing Certain Acts (Tripartite Act). Available at: https://www.vlada.gov.sk/data/files/305_zakon-en.pdf

Nordic-Baltic undeclared work project, (May 2021). Report from workgroup cooperation. Joint efforts combatting undeclared work.

Norwegian Labor Inspection Authority, (2 March 2020). Tripartite industry programme for the automotive industry - mandate for the industry programme group.

Norwegian Labour Inspection Authority. HSE cards in building and construction. Available at: <https://www.arbeidstilsynet.no/en/hse-cards/hse-cards-in-building-and-construction/>

OECD (2015), OECD Employment Outlook 2015, OECD Publishing, Paris. Available at: https://read.oecd-ilibrary.org/employment/oecd-employment-outlook-2015_empl_outlook-2015-en

OSH Wiki. Worker participation – Slovakia. Available at: https://oshwiki.eu/wiki/Worker_participation_-_Slovakia

Regional Cooperation Council / Western Balkan Network tackling undeclared work (2021), Improving Social Partner Involvement in Tackling Undeclared Work: A Toolkit. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3835333

Regional Cooperation Council / Western Balkan Network tackling undeclared work, (May 2021). Tackling undeclared work: improving the range and effectiveness of sanction tools. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3835628

Regional Labour Inspectorate of Southern Finland, (24 November 2016). Tripartite cooperation related to Directive's (2014/67/EU) implementation in Finland. Presentation at the Eurodetachment 2016-2017 Transnational workshop, Lisbon. Available at: http://www.eurodetachment-travail.eu/datas/files/EUR/Finland_The_tripartite_collabora-

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). Available at: <https://eur-lex.europa.eu/eli/reg/2016/679/oj>

Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32019R1149&from=EN>

SA Confederation of Icelandic Enterprise, Services (Þjónusta). Available at: <https://www.sa.is/vinnumarkadur/thjonusta>

SAK, Benefits of membership (Jäsenedut), and Työelämään, Why is it beneficial to be a member of a labour union? (Mitä hyötyä on ammattiliittoon kuulumisesta?). Available at: <https://tyoelamaan.fi/mina-tyoelamassa/miksiliittoon/>

Social Intelligence and Investigation Service (SIOD), (22 June 2012). Tripartite partnership agreement for countering undeclared work in the construction sector. Available at: https://www.siod.belgie.be/sites/default/files/Downloads/Protocollen/NL/Samenwerkingsovereenkomsten/sa_bouw_22062012_nl.pdf

Spanish Ministry of Labor and Social Economy, (March-September 2020). State Bulletin No 258. Available at: https://www.mites.gob.es/itss/web/Quienes_somos/OE_ITSS_Web/Doc_Organismo/Miembros_CGeneral_BOE_20200929.pdf

Swedish Work Environment Authority. 2021. Safety representatives. Available at: <https://www.av.se/en/work-environment-work-and-inspections/safety-representatives/>

Venturi, Davide, (2014). Central Supervisory Coordination Commission: Article 3 (Commissione centrale di coordinamento dell'attività di vigilanza: Articolo 3). Available at: https://moodle.adaptland.it/pluginfile.php/17972/mod_folder/content/0/VOL.%203/ebook_pro_vol_3_parte_I_cap_IV.pdf?forcedownload=1

Worker Participation, Workplace Representation. Available at: <https://www.worker-participation.eu/National-Industrial-Relations/Countries/Denmark/Workplace-Representation>

Annex 1: Key elements of a partnership agreement

Section title	Description of contents
Title	States the purpose of the agreement
Parties	Names and addresses of public bodies
	Names and addresses of social partner organisations
Introduction/ Preamble	Introduces the signatories, explains the reasons for the cooperation, refers to relevant legislation, provides history and background to the problem and cites any measures taken so far; introduces the key responsible bodies.
Article 1. Scope. Other parties involved	Lists which types of companies/workers, violations, economic sectors, and/or regions will be targeted by the joint actions. Notes if any other parties would be involved (invited to cooperate).
Article 2. Activities	<p>Lists the foreseen joint activities, for example:</p> <ul style="list-style-type: none"> ► Data exchange and risk assessment: Clarifies which parties would provide what type of information, under what conditions (national law, GDPR), where the information will be sent and how (e.g. through e-mail; shared databases, at meetings of working groups), and how the information will be used (e.g. for risk analysis to identify target companies for future inspections). ► Prevention; Lists the possible awareness-raising, training and legal/advisory activities that the partners could jointly implement. Another possible activity foreseen could include the development of IT tools (apps, calculators, automatic translation of online text, etc.). ► Detection and deterrence; Explains what the role of social partners will be, e.g. provide sector-specific knowledge regarding observed undeclared work trends and social fraud schemes, report individual cases to the authorities, maintain (non) compliance lists, enforce the use of social identity cards, monitor the application and compliance with collective bargaining agreements. Notes if social partners have the authority and are expected to take part in joint / shadow inspections, and/or perform inspections on their own. Clarifies the follow up activities to be undertaken by the public authorities.
Article 3. Coordination	Notes which of the signatory bodies will be responsible for the overall oversight and day-to-day management of the implementation of the agreement.
Article 4. Contact points	<p>Clarifies how the current partnership agreement will reach any additional potential collaborators (e.g. the members of a paritarian body), and that all signatory parties are expected to appoint contact points responsible for the agreement's implementation.</p> <p>In case the information is available, lists the contact details of the responsible bodies and/or the signatories.</p>
Article 5. Mode of operation. Jurisdictions and responsibilities	<p>Explains the procedures on how the agreement will be implemented and any key deadlines (e.g. how often meetings will be held between the parties, if any working groups/task forces/councils will be set up, what would be their responsibilities, etc.)</p> <p>Explains the authority and power of each of the bodies involved, and establishes any new areas of responsibility for them (within the relevant legal framework).</p>

Section title	Description of contents
Article 6. Publicity	Explains what type of data will remain confidential, and how the parties will jointly agree to prepare and release information to the media and the general public.
Article 7. Evaluation	<p>Stipulates the period of evaluation of the agreement (e.g. every 6 or 12 months) as well as relevant aspects for review, such as the usefulness of the information exchanged, the effectiveness of the activities performed (inspections, awareness-raising, etc.), and the overall impact achieved (imposed sanctions and/or launched judicial actions, regularised employers/newly declared workers, number of informed employers/workers on their rights, decrease in undeclared work levels/cases).</p> <p>A good practice might include setting concrete indicators, targets and deadlines.</p> <p>Based on the evaluation, the parties will make suggestions for improvement of the future joint activities.</p>
Article 8. Duration	Clarifies the duration of the agreement (e.g. 12 months, 3 years, etc.). Specifies what happens after the end of the agreement (renewal of the agreement, revision of the activities, inclusion of new signatory parties, etc.)
Article 9. Disputes and complaints	Clarifies the law governing dispute resolution and procedures for complaints that may arise in relation to activities generated by the operation of the agreement.
Signatures	<p>Place, date</p> <p>Name, position, organisation of the persons signing the agreement</p>
Annexes	<p>Could include institutional setup schemes or comparison of powers/authorities of the signatories, templates for information requests and exchange, related legislation, detailed contacts of the signatories, etc.</p> <p>If necessary, the partnership agreement's text could be followed up by a detailed Action Plan.</p>