



Successful cooperation approaches between labour inspectorates and social partners

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1.0 Introduction

The European Platform tackling undeclared work (hereafter the ‘Platform’) held a webinar on ‘Successful approaches of cooperation between labour inspectorates and social partners’ on 2 February 2022. This report documents the presentations and discussion at the webinar. The event brought together 156 participants from 27 countries, representing labour inspectorates, other enforcement authorities, social partners and other organisations, the European Labour Authority (hereafter ELA), and the European Commission.

Prior to the 2021 thematic review workshop on ‘Successful approaches of cooperation between labour inspectorates and social partners’, the Platform had undertaken several studies and events on cooperation between labour inspectorates and social partners, as well as social partner initiatives to tackle undeclared work.¹ The aim of this event was to showcase examples of types of cooperation and key aspects to build successful cooperation among labour inspectorates and social partners. Resources informing the training webinar include the Learning Resource Paper² and Toolkit³ based on experiences collected and analysed at the 2021 thematic review workshop on ‘Successful approaches to cooperation between labour inspectorates and social partners’. During the webinar, participants discussed and reviewed successful cooperation approaches between labour inspectorates and social partners in several EU/EEA Member States, building on the following recommendations from the toolkit:

Table 1. Toolkit: Successful approaches of cooperation between labour inspectorates and social partners

Aims and objectives	Structure
<ul style="list-style-type: none"> ▶ Promote cooperation between labour inspectorates and social partners across EU Member States ▶ Advise labour inspectorates and social partners who want to establish or improve cooperation ▶ Guide national policy makers to address tripartite dialogue and stimulate partnership 	<ul style="list-style-type: none"> ▶ Introduction ▶ Establishing cooperation ▶ Exchange of information on common risks ▶ Establishing joint prevention and deterrence measures ▶ Evaluating and monitoring the positive effects of cooperation

¹ European Platform tackling undeclared work (2017a). [Working group on success stories to the European Platform Undeclared Work](#).

European Platform tackling undeclared work (2017b). [Success Stories in preventing and combatting undeclared work](#).

Stefanov R., Mineva D., (2019a). [Practitioner toolkit: Information Tools and Approaches to Reach Out to Workers and Companies in the Fight against Undeclared Work](#).

Stefanov R., Mineva D. and Terziev, P. (2019b). [Social partners and their key role in tackling undeclared work: 12 success stories](#), Brussels: European Platform Undeclared Work

² Stefanov, R., Mineva, D. (2021a). [Successful approaches of cooperation between labour inspectorates and social partners: a learning resource](#).

³ Stefanov, R., Mineva, D. (2021b). [Toolkit: Successful approaches of cooperation between labour inspectorates and social partners](#).



The webinar was structured into two main sessions:

- ▶ Showcasing selected examples of cooperation approaches in Norway and Greece.
- ▶ A panel discussion of participants on cooperation initiatives, involving both labour inspectorates and social partners from Belgium and Germany. This panel discussed how recommendations from the toolkit can be implemented.

ELA started the event by reminding participants about the benefits of cooperation between labour inspectorates and social partner organisations. Cooperation enables more extensive consultation and advice from social partners to the labour inspectorates as social partners have a direct contact to the workplace, both to workers and employers, and know workplace practices. This helps them identify cases of fraud and violations, which they can communicate to enforcement authorities. This cooperation supports the mandate of ELA, which is to support effective application and enforcement of Union law related to labour mobility and the coordination of social security systems.

ELA hence promotes cooperation, for example via setting up a workflow guidance which allows social partners at the national level to bring potential cases for concerted or joint inspections to the attention of ELA.⁴ The emphasis on working closely with social partners, both trade unions and employers' associations, is also highlighted by the fact that social partners are represented in all working groups of the Authority. Social partners are also members of the management board of ELA, and there is a dedicated Stakeholder Group with a balanced representation of trade unions' and employers' representatives within the Authority. One of the important roles of ELA is to coordinate and support joint inspections undertaken by national authorities. ELA encourages Member States to involve social partners in these inspections in the context of national legislation and practice. In addition, national social partner organisations are invited to bring relevant cases and practice to the attention of the Authority.

2.0 Successful sector-oriented cooperation approaches between labour inspectorates and social partners

In an informal poll at the event, most participants responded that there is an ongoing cooperation between labour inspectorates and social partners in their country. 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.

To overcome these barriers, the first session of the webinar aimed at showcasing successful examples of building cooperation between labour inspectorates and social partners. Trust in their relationship, as well as initiatives to define joint priorities and activities, were identified as crucial factors.

⁴ European Labour Authority, (December 2020). [Workflow guidance for Social partner organizations at national level to bring cases to the attention of ELA.](#)



2.1 Building trust between labour inspectorates and social partners

The presentation from **Norway**, delivered jointly by the Norwegian Labour Inspection Authority and the Employers' Association Spekter, argued that trust serves as relevant interlocutor to establish and maintain cooperation between labour inspectorates and social partners. Trust helps establish a common understanding and knowledge of problems that all parties are facing in the labour market. Trust also enables sharing information on national and sector-specific circumstances and develop a holistic approach based on stakeholders' competences in risk evaluation, information, negotiations, and interventions. Trust also helps in simplifying the administration of cooperation and setting clear regulations in identifying and addressing undeclared work. At the same time, it takes time to build trust through continuous cooperation and a common understanding of goals, competences, and knowledge. When starting a new cooperation between labour inspectorates and social partners or in case of previous conflicts, the involved parties openly speak about how trust can be established to enhance cooperation between labour inspectorates and social partners.

The Norwegian experience originates from the operation of four sector/industry branch programmes (cleaning services; road transport; car services including repair, cleaning, washing and other small services; restaurants, bars and nightclubs). Each branch programme has about 14 members. The branch programmes, with an overall annual budget of about EUR 500 000, are administrated by the Norwegian Labour Inspectorate. As a first step, the partners agree on common risks and set up common measures such as training events, campaigns and inspection targets. This practice is embedded in a long-established tradition of tripartite social dialogue in Norway, involving state authorities, trade unions and employers' associations. While each partner has different competences and skills, these need to be mutually acknowledged, also to minimise potential conflicts. Moreover, a common understanding of strategies and activities to address undeclared work are important.

The webinar included a presentation of the branch programme in the car services sector, involving three employers' organisations and two trade unions. The overall aim of the cooperation is maintaining fair competition and improved labour standards in the sector. The Labour Inspectorate is a stakeholder, equipped with own resources to implement its activities. The Ministry of Labour serves as an observer; while it does not directly intervene in the addressed topics established by the labour inspectorate and social partners, it is available to provide support to specific priorities at the political level. Cooperation in this branch programme resulted in a common awareness raising campaign, communicated via social media; recommendations for the government in the automotive sector; and information campaigns reaching out to customers to inform their consumer behaviour when selecting workshops complying with fair working conditions. The [campaign video](#) was shared with webinar participants.

A 2020 external evaluation of the effectiveness of these programmes finds that the focus on sector-specific goals contributes to better planning and operationalisation of Branch Sectoral Programme strategies and thus facilitates successful cooperation between the Labour Inspectorate and social partners. Recommendations deriving from the evaluation include, for example, the fact that mandates for the industry programmes should be tailored to a work-related crime focus, with roles, responsibilities, and expectations of the involved partners clearly defined. Next, the mandates should clarify how proposals for measures are to be processed in the administration and at the political level, with involvement of relevant Ministries. Finally, the stakeholders should establish a more systematic structure for operational work and for follow-up procedures in the branch programmes.

It was also highlighted that all activities of the Sectoral Branch Programmes in Norway are transferable to other countries where political commitment and funding are available, and where stakeholders show a pragmatic and active approach and commitment.



2.2 Information exchange and joint campaigns

A precondition for successful cooperation is the exchange of information and the delivery of joint activities by the labour inspectorates and social partners, targeting a common risk assessment and social partner involvement in prevention and deterrence measures. This role has been highlighted in the presentation from **Greece**, delivered by the Hellenic Labour Inspectorate and the General Confederation of Greek Workers.

The collaboration between the Labour Inspectorate and social partners in Greece is institutionally underpinned and evolved because of legislative changes resulting from the Greek government agreeing to develop a national strategy to tackle undeclared work as part of its 2016 'bailout agreement'. With external support from the European Commission and the ILO, a three-year roadmap was formulated in agreement and cooperation with social partners. This led to the creation of the Council of Social Monitoring.

The Council involves the General Inspector of the Labour Inspectorates, representatives of the General Confederation of Greek Workers and the National Confederation Hellenic Commerce, a representative of persons with disabilities, the Head of the General Directorate of Labour at the Ministry of Labour and Social Affairs, and the Head of the General Directorate of Health and Safety of Labour of the Ministry of Labour and Social Affairs. Social partners share information to the labour inspectorate on fraud and violations, but do not directly intervene in the labour inspectorate's inspections. The Labour Inspectorate perceived benefits of cooperation with social partners in the early stages of the Action Plan, e.g., its planning, that allows a more efficient targeting of sectors with high risk of undeclared work. Moreover, according to the Labour Inspectorate, cooperation with social partners can lead to quantitative and qualitative improvement of inspections as well as using sanctions more effectively and efficiently. In addition to these perceived benefits, it was acknowledged at the webinar that joint activities could be strengthened by more educational activities on cooperation between labour inspectorates and social partners, and greater motivation among stakeholders to facilitate compliance of organisations currently engaging in undeclared work.

One of the reported examples of cooperation on prevention measures was the information and awareness raising campaign targeting students aged over 16 on the subject of undeclared work. The campaign was an action of the three-year roadmap to implement an integrated strategic approach to tackling undeclared work. Students were informed by labour inspectors and by representatives of social partners (the General Confederation of Greek Workers, the Hellenic Confederation of Professionals, Craftsmen, and Merchants and others) about the negative impact of undeclared work. The campaign showed that the majority of targeted students understood the threats of working undeclared; and that the information campaign had a positive effect on their stance towards their future employment. According to the Greek Labour Inspectorate, such information campaigns can facilitate responsible behaviour of (future) workers and are therefore considered as an (cost) effective preventive measure to tackle undeclared work.

Joint sectoral campaigns also exist in Member States with firmly established sectoral structures for social dialogue. Examples from **Germany** and **Belgium** were shared, as well as reflections on how the recommendations or steps presented in the toolkit can be best implemented; and what benefits and challenges of partnerships between social partners and labour inspectorates can be identified.

The German contribution, delivered by the Central Customs Authority and the trade union IG BAU, highlighted the 'Action Alliances' initiative and its social aspects. The initiative facilitates dialogue, but also serves as a round table to discuss legal questions. Partners find exchange of information crucial in their interaction – especially in the German conditions of fragmented structures of labour inspectorates in different sectors. Such cooperation enables the involved parties to identify common challenges and goals.

In **Belgium**, sectoral cooperation is perceived as beneficial not only for deterrence (social partners reporting fraud to labour inspectorates) but also for the prevention of undeclared work. As in other countries, trust is an important



element to develop a shared understanding of the national economic system and the scope and goals of joint actions. The Social Information and Investigation Service (SIOD) is a dedicated organisation established by the federal Belgian government to address and combat social welfare benefit fraud. Together with Bouwunie – the Flemish Federation of the small and medium enterprises in the construction sector, SIOD reported at the webinar that trust is essential to develop targeted solutions for specific issues, such as the prevalence of subcontracting and cash payments in some sectors.

At the same time, a balanced approach, embracing all kinds of social partners on the side of workers and employers, divided between the national and local level, involving all concerned parties, secures commitment to joint activities. While an overall agenda is constructed at the political level, a pragmatic and operational approach assesses which actions can in fact be implemented, in any given local and sectoral context. This set up allows also the development of new tools to tackle new forms of undeclared work.

3.0 Considerations in cooperation between labour inspectorates and social partners

3.1 Types of cooperation

Depending on the type of established social dialogue, operational cooperation between labour inspectorates and social partners can build on various forms. An overview of cooperation forms, drawing on the Toolkit, were presented at the webinar. Examples from various Member States show that cooperation forms vary in terms of their framework, like statutory tripartite bodies, partnership agreements or memoranda of understanding as well as more informal exchange or ad hoc meetings, and into projects or joint actions between labour inspectorates and social partners.

Table 2. Diversity of cooperation forms

Framework cooperation and cooperation structures	Joint activities (risk assessment, deterrence measures, awareness raising)
<ul style="list-style-type: none"> ▶ Tripartite and consultations (Luxembourg, Norway), sectoral alliances (Germany, Belgium) ▶ Councils within Labour Inspectorates with social partner involvement (Italy, Greece) ▶ Inspectorate’s management board with social partner involvement (Ireland) ▶ Paritarian entities to government structures and bipartite structures (Spain, Netherlands) ▶ Written cooperation agreements (Belgium, Netherlands, Italy) ▶ Joint working groups and task forces (Ireland, Finland, Norway) 	<ul style="list-style-type: none"> ▶ Shop stewards and workplace cooperation committees (Finland, Sweden, Denmark) ▶ Joint complaint mechanisms (Sweden, Netherlands, Finland) ▶ Risk assessment using social partners’ expertise (Belgium, Bulgaria, Netherlands, Norway, Slovenia) ▶ Compliance lists (Belgium, Netherlands, Norway) ▶ Deterrence measures: check-up visits (Iceland), joint inspections (Greece)



Framework cooperation and cooperation structures	Joint activities (risk assessment, deterrence measures, awareness raising)
<ul style="list-style-type: none"> ▶ Cooperation encouraged via EU/government funded cross-border projects (Raise Up, Eurodetachement, TUWIC) 	<ul style="list-style-type: none"> ▶ Social ID cards (Belgium, France, Iceland, Norway, Spain) ▶ Awareness raising campaigns (Bulgaria, Germany, Portugal, Poland) ▶ Education and training (Greece, Iceland, Slovakia)

Cross-border cooperation and mutual learning was raised as an important issue in the webinar discussions. Besides the examples from the Toolkit presenting social ID cards as one of the joint actions, a participant noted an example from the construction industry in **Romania**, where the General Federation of Trade Unions Familia (FGS Familia) and the Federation of Employers in Construction (FPSC) cooperate with the United Federation of Trade Unions (Fellesforbundet) of **Norway** in a project aiming to develop a public policy for the introduction of a (physical or virtual) identify card for workers in the Romanian construction industry, demonstrating compliance with labour legislation.

3.2 Capacity and available resources for cooperation

Participants at the webinar highlighted the importance of having the available resources to establish and maintain successful cooperation between labour inspectorates and social partners. On the one hand, this relates to the capacity, competences and motivation of staff to work together and, on the other hand, to the development of joint capacity building, such as joint training or professional roles for cooperation. For example, participants from Romania, reported that limited resources, such as staff availability or their capacity to cooperate, needs to be addressed at the first place. The **Romanian** labour inspectorate faces capacity challenges to address reported cases of fraud. Developing cooperation activities with social partners would also help the labour inspectorate to tackle the problem of low capacity. Through cooperation with social partners, the labour inspectorate could better address issues of prevention and education, despite their capacity problems. In **Belgium**, sufficient capacity in labour inspectorates is addressed by a feasible number of inspectors and the use of employment data which allows them to track non-standard forms of employment. This has been helpful as in some sectors with labour shortages, employers often reach out to non-standard forms of work within the supply chain and subcontractors. However, in general, labour inspectors face challenges to check and monitor compliance across whole supply chain besides general contractors. This is hence also an area where social partners can provide insight.

Another suggestion to increase capacity of social partners and labour inspectors is to implement clear compliance rules and decrease the number of exceptions, which creates a high burden on the current inspection capacities. In sum, effective operation of labour inspectorates and their cooperation with social partners is possible only with sufficient resources, otherwise an upward spiral of fraud may develop.

3.3 Representing workers' and employers' interests equally

A precondition for successful cooperation between labour inspectorates and social partners is the equality principle applied in the relationship. In other words, labour inspectorates should develop equal cooperation with trade unions and employers' representatives. This equality principle was presented as an important element in the branch-sectoral programmes of cooperation in Norway.



Long subcontracting chains become increasingly complex when third-country workers and/or posted EU-mobile or third-country nationals are involved. Cooperation between labour inspectorates and social partners may not only use prevention measures to avoid undeclared work in cross-border employment, but also guide employers and workers in meeting legal requirements of declared work. Foreign workers, but also their employers in the target country, face the complexity of legal frameworks of several countries that differ from each other. This makes foreign workers potentially vulnerable to fraud and undeclared work. Cooperation of labour inspectorates with social partners may be a feasible mechanism for mitigating these vulnerabilities and risks related to cross-border employment.

Finally, besides cross-border cooperation and its enforcement, a relevant issue raised in the webinar was also conceptual clarity whether cooperation and its enforcement targets the employers or the workers engaging in undeclared work. For example, the discussion mentioned subcontractors who abuse existing legal gaps, while at the same time these practices are impacting employers in compliance with current regulations in other countries. It is challenging to detect the level of potential abuse in such conditions, because of the gaps in legal enforcement in the country of origin.

3.4 Sustainability of cooperation

Besides trust, capacities and motivation by the involved parties to cooperate, collaboration also depends on external factors, such as political support and encouragement, or external funding. In the case of **Greece**, cooperation was established after 2015 with external enforcement of the EU and the ILO, which supported programmes on the restoration of tripartism after the period of crisis. These initiatives to support social dialogue brought the government, trade unions and employers' associations together. A needs assessment and ways to tackle undeclared work were part of these initiatives, leading to a roadmap with designed targets. Cooperation was restored on the foundations of equal representation of all involved parties. While such external enforcement may successfully facilitate the establishment of cooperation between labour inspectorates and social partners, it is important to maintain it also under changing conditions. In Greece, the ending of external enforcement contributed to a halt of joint initiatives and campaigns, despite the institutional foundation for cooperation and jointly defined priorities. The labour inspectorate is undergoing a transformation to an independent authority, and social partners perceived their involvement into cooperation after this transformation as declining. This challenge again highlights the point of mutual trust and respect for the distinct competences and roles of labour inspectorates and social partners that are needed in maintaining successful long-term cooperation.

Sustainability of cooperation is hence relevant also in different contexts, for instance where cooperation may be facilitated on a project basis, while it needs to be maintained in the long-run independently from existence of a dedicated project.

A participant, referring to the Romanian civil aviation sector, noted detection of the threat of social dumping across the EU and the relevance of EU-level enforcement of regulations to avoid such threats. Suggestions include awareness raising, corroborated with a well-functioning local operation of labour inspectorates employing preventive and deterrence measures to avoid fraud and unlawful employment practices. Expectations towards ELA were raised to support Member States and to strengthen labour authorities to facilitate also a faster and more effective settlement of labour disputes.

One of the suggested practical solutions by a participant was the ratification of the ILO Convention No. 94 (the Labour Clauses – Public Contracts Convention) in those Member States that have not ratified it yet, and the adoption of the adequate implementation measures. Additional recommendations on diverse policy initiatives that social partners have undertaken with enforcement authorities in European countries were [shared with the participants](#).



4.0 Conclusions and recommendations

The webinar concluded with a summary of the following key learning points:

Key learning points

- ▶ Trust is important in establishing cooperation between social partners and labour inspectorates. At the same time, the political and operational will to cooperate and to sustain the cooperation are equally important.
- ▶ Cooperation should be based on the prerogative of an equal representation of workers and employers in cooperation approaches.
- ▶ Benefits of cooperation derive from more extensive consultations and advice from social partners and joint activities, both in terms of prevention and deterrence of undeclared work. Social partners possess valuable access to the workplace and may report cases of fraud and violations to enforcement authorities.
- ▶ A holistic approach is needed to create and implement deterrence and prevention measures by social partners and labour inspectorates. National legislation could enhance collaboration with social partners by incentives for cooperation or mandatory cooperation structures.
- ▶ Cooperation should offer support to vulnerable workers, such as irregular workers and third-country nationals.
- ▶ To establish and develop cooperation, both the labour inspectorates and social partners need to be equipped with sufficient resources and capacities.
- ▶ The sustainability of cooperation requires long-term commitment of all involved stakeholders and should not be dependent on project funding and external enforcement.

ELA concluded that the presented approaches to cooperation between social partners and labour inspectorates provide inspiring examples and the value of mutual learning both for ELA and for the Platform members and observers. While trust has been presented to play a prominent role in establishing and nourishing cooperation, ELA recognises that it is not easy to accomplish trust in the relation between labour inspectorates and social partners. The continuity of cooperation is important, and so is mutual learning across the Member States.