

Guide for inspectors on the collaborative economy and annual training course

Spain

	<p>Summary</p> <p>In 2019 the Spanish Labour and Social Security Inspectorate prepared a guide aiming to unify labour inspections in the collaborative economy sector. Previous inspections of digital platform companies served as the basis for the preparation of the guide. A biannual training course on collaborative platforms complements the guide.</p>
<p>Title of the practice in original language</p>	<p><i>Guía de actuación en actividades realizadas a través de plataformas de internet.</i></p>
<p>Name(s) of authorities/bodies/organisations involved</p>	<ul style="list-style-type: none"> ▶ Spanish Labour and Social Security Inspectorate (<i>Organismo Estatal Inspección de Trabajo y Seguridad Social (ITSS)</i>)
<p>Sectors</p>	<p>All</p>
<p>Target groups</p>	<ul style="list-style-type: none"> ▶ Labour inspectors (directly targeted); ▶ Companies and workers involved in undeclared work in the digital platform economy (indirectly targeted).
<p>Purpose of measure</p>	<p>Deterrence: improve detection</p>

	<p>Aims and objectives</p> <p>The aim of the guide and training course is to provide resources to inspectors to improve their understanding of the sector with respect to the type of fraud they may encounter and on the inspection procedures to be applied. The Spanish Labour Inspectorate funds the activities and evaluates them based on feedback provided by inspectors.</p>
<p>Background context</p>	<ul style="list-style-type: none"> ▶ The guide was introduced to tackle the high level of bogus self-employment in the sector, depriving workers of their labour rights.

	<ul style="list-style-type: none"> ▶ The guide was published in 2019 as an internal document for the use of labour inspectors. Experience from previous inspections in the sector was used to draft the guide. ▶ The main objective was to standardise the criteria and procedures for inspections and to facilitate the work of the inspectors, since inspections in the collaborative economy were a new kind of inspection action and presented a new challenge. ▶ Latest case law and the recent "rider law" have reinforced the provisions of the guide without the need to modify it. There are currently no plans to update the guide. ▶ In parallel, a training course was introduced in 2019 for inspectors on aspects of the collaborative economy. The course has two parts. One deals with the issue of bogus self-employment and the other with the issue of irregular economy in digital platforms and e-commerce. There are two editions of the course each year.
<p>Key objectives of the measure</p>	<p>General Objective:</p> <ul style="list-style-type: none"> ▶ To standardise the criteria and procedures for inspectors of the collaborative economy sector. ▶ To provide training on the collaborative economy for inspectors. <p>Specific Objectives:</p> <ul style="list-style-type: none"> ▶ Provide information on the standard functioning of the digital platforms to know how to approach an inspection. ▶ Establish a unified model of inspection action, establishing, in a standardised way, what information to request, how to approach the visit, the interviews, etc.
<p>Main activities</p>	<p>The guide</p> <ul style="list-style-type: none"> ▶ Provide information on the standard functioning of the digital platforms to know how to approach an inspection. ▶ The guide was officially published on the intranet of the Labour and Social Security Inspectorate (ITSS portal) in December 2019. ▶ The following information was taken into account for its elaboration: <ul style="list-style-type: none"> ▷ Existing publications at national and international level;



	<ul style="list-style-type: none"> ▷ Previous inspection actions of the Spanish Labour Inspectorate; ▷ National and international case law rulings. <p>Biannual training course</p> <ul style="list-style-type: none"> ▶ The training courses are directed and coordinated by the School of the Labour and Social Security Inspectorate and are given both by inspectors specialising in the subject and by external specialists. ▶ Although the coordination is carried out by the School, the content of the course is developed by the speakers, who set the programme, the presentations and, where appropriate, the practical cases ▶ The course is voluntary and can be attended by any inspector from any province in Spain, with priority given to those who have or will work in the field cases.
<p>Funding/organisational resources</p>	<p>Budget of the Labour and Social Security Inspectorate</p>

	<p>Outcomes</p> <p>The guide and training course together with on the job experience raise inspectors' awareness of the sector and increased their capacity to inspect the collaborative economy sector.</p>
<p>Achievement of objectives</p>	<ul style="list-style-type: none"> ▶ The guide is an internal document available to all inspection bodies. ▶ Thanks to the guide and training, labour inspections are performed according to a set of uniform standards allowing to detect bogus self-employed. ▶ The training course have been a success since its launch, with approximately 25 students in each edition. ▶ High satisfaction with the training expressed by students have led to the course being repeated not only on an annual basis, but twice a year.
<p>Lessons learnt and success factors</p>	<ul style="list-style-type: none"> ▶ The guide and the training course for inspectors on the collaborative economy provide a preview of different types of fraud inspectors may encounter. They facilitate preparations for



	<p>the inspection visit and documentation to be requested during it.</p> <ul style="list-style-type: none"> ▶ The guide, training course and on the job experience increased specialisation of inspectors on collaborative platforms.
Transferability	<p>The guide and training course are adaptable to other national enforcement authorities who wish to improve the knowledge and understanding of the collaborative economy sector, and apply uniform standard inspection procedures at regional/local level. Resources to prepare and publish the guide are necessary, as well as resources/experienced personnel to prepare and deliver the training.</p>

Further information

Contact	<p>The National Anti-Fraud Office (Spanish Labour and Social Security Inspectorate)</p> <p>Email: itsssgit@mites.gob.es</p> <p>Phone: +34 913631161</p>
Useful sources and resources	<p>Link to "rider law"</p> <p>https://www.boe.es/diario_boe/txt.php?id=BOE-A-2021-7840</p>