



Summary of deliberations

Meeting of the European Platform tackling undeclared work

24 March 2022, European Labour Authority (Landererova 12, Bratislava) / ZOOM platform

ITEM 1: Opening remarks by ELA's Executive Director

The Chair welcomed Platform members and observers. He reflected on the situation in Ukraine and Ukrainian refugees, adding that a related agenda item had been included in a revised agenda. The agenda was adopted.

ITEM 2: Adoption of outputs from Platform meeting on 21-22 October 2021

The following documents were adopted:

- Thematic report on COVID-19's impact on enforcement authorities' work and priorities from Platform meeting on 21 October (one member added that physical inspections remain crucial);
- Summary of deliberations from Platform meeting on 22 October 2021.

ITEM 3: Employers Sanctions' Directive

The European Commission (EC) outlined the EU framework to tackle illegal employment or irregular migrants, namely through the Employers Sanctions Directive. As part of the EU Pact on Migration and Asylum, the EC published a Communication on the implementation of the Employers Sanctions Directive in 2021. In the document, the EC recommends, among other, to assess the effectiveness of sanctions against employers who employ illegally staying third-country nationals, to increase awareness-raising and to relaunch the Irregular Migration Expert Group on the Employers Sanction Directive. In terms of protective measures, the Communication recommends to improve the accessibility of complaint mechanisms, to exchange on safe reporting policies, to strengthen social dialogue and to increase information and awareness-raising. Inspections should be better targeted towards high-risk sectors, good practice sharing on inspections should be continued and inspectors should be appropriately trained. The EC will seek the expertise of the Platform in some areas, including on inspections. During the discussion, social partners welcomed the strengthening of the implementation of the Directive. Two participants raised concerns that labour inspectors and ELA are not the relevant actors to address illegal employment of irregular migrants. While acknowledging the limits of ELA's mandate, the Chair highlighted that in the course of inspections responsible authorities might encounter all sorts of irregularities and should be able to adequately act and follow-up, if necessary in cooperation with other relevant authorities, and ELA is ready to support them in this respect.

ITEM 4: Reporting from Platform subgroups

The Chair of the subgroup provided an update on the subgroup on tackling undeclared work among third-country nationals through regularisation initiatives, which met in December 2021. Several members supported the recommendations in the report. One member raised the concern that the recommendation concerning regularisation of third country nationals could create problems. With the explanation that it was up to Member States' discretion how to interpret and whether to implement the recommendation the report was approved.

The Chair of the subgroup provided an update on the subgroup Communication and Information which met in February 2022, contributing to the ELA awareness-raising campaign on the road



transport sector. There were no comments. The output report will support the preparation of the campaign.

ITEM 5: Update by the European Commission, DG EMPL

The European Commission updated firstly on the proposed Directive on improving working conditions in platform work from December 2021. Platform work is rapidly increasing, and the proposed Directive aims to ensure platform workers have a contractual status which corresponds to their work situation, more rights for workers, including better condition for social dialogue. In addition, the Commission informed about the proposal for a Directive on corporate sustainability due diligence to foster sustainable and responsible corporate behaviour throughout global value chains, adopted by the Commission in February 2022. Moreover, there is currently a pilot project on the feasibility of introducing a European Social Security Pass. In May this year, a new Eurobarometer on labour mobility will be conducted and an update from a study on the effectiveness of policies tackling undeclared work will be shared in the upcoming Plenary meeting. Platform members were invited to already think about projects they might want to put forward in a call for proposals concerning undeclared work that will take place next year.

ITEM 5: Demand-driven activities

ELA presented Mutual Assistance Projects (MAP), Staff Exchanges and Peer Learning Dialogues (PLD). MAPs are a good opportunity for mutual learning from selected peers. In the future, more flexibility will be provided in terms of the thematic focus of the MAPs. Meanwhile, staff exchanges can include interpretation for two languages for virtual and face-to-face meetings.

The Platform voted on the topic of the second PLD which will take place in the autumn of 2022. The top-ranked choice was ‘challenges and solutions in detecting and proving undeclared work in new forms of work, e.g. platform work’.

ITEM 6: Discussion on the labour market integration of refugees and the potential role of the Platform

Platform members exchanged on the current situation and their activities to support Ukrainian refugees. Recent efforts mentioned included the cooperation with Ukrainian social partners, and the provision of information in Ukrainian language. There was agreement that many incoming refugees, although they have access to declared work, are vulnerable.

There was agreement that the Platform should take an active role, to organise an ad hoc meeting before the Easter break and to set up a subgroup on preventing undeclared work among refugees. A chair for the subgroup was identified. Points for exchange could include demographic data about refugees, national legislation, coordination between authorities, inspections, preventing exploitation, social dialogue work with civil society, and cross-border movement. It was highlighted that exchange should be operational, looking at the issue from an undeclared work angle, but considering also other areas of ELA’s work such as access to information or EURES.

ITEM 7: Revision of the Platform Work Programme 2021-2022

The Platform Secretariat proposed some minor revisions in the Work Programme for 2022 in a document submitted ahead of the meeting. In addition, largely due to the war in Ukraine, the following changes in the work programme were proposed:

- Most importantly - the addition of webinar(s) and a subgroup on preventing undeclared work amongst refugees;



- Postponing or cancelling, if necessary due to resource constraints, the subgroup on alert mechanisms to identify undeclared work at an early stage and the webinar on developing a common assessment framework for measuring the progress of Member States towards a holistic approach;
- More flexibility enabling toolkits to be connected to other events, not solely Thematic Review Workshops;
- Production of communication and information materials.

All proposed changes were adopted.

ITEM 8: Adoption of the mandate for a Subgroup on alert mechanisms to identify undeclared work at an early stage

Originally a meeting was foreseen in May. However, considering that the activities addressing the inflow of refugees from Ukraine are a priority, the subgroup on how enforcement authorities can create alert mechanisms to identify undeclared work at an early stage will be postponed, or if necessary due to resource constraints, not hold. The chair for the subgroup was modified.

ITEM 9: Endorsement of the future work programme of the Platform

ELA updated on the work of the subgroup on the Platform future work programme, and the preceding call for proposals for future activities. The suggested work programme will continue to be based on four strategic priorities and will include, among others, a mixture of demand-driven and more operational activities, sectoral approaches, strong mutual learning component focused on both preventative and deterrence measures, and activities aimed at building understanding of undeclared work. The proposals for the Platform work programme were endorsed and will be integrated in the multi-annual programming of the authority, the Single Programming Document. A final decision will be taken by the ELA Management Board in November 2022.

ITEM 10: AOB