



Bratislava,

ELA/WGINSP/(2023)

15th meeting of the ELA

Working Group on Inspections

29-30 November 2023

Summary of the meeting

The experts appointed by the ELA Management Board Members met at ELA premises in Bratislava, Slovakia, and online, for the fifteenth meeting of the ELA Working Group on Inspections.

1. Welcome by the chair

This Working Group on Inspections (WGI) was chaired by the Head of Inspections' Sector within the Enforcement and Analysis Unit, Mr. Robertas Lukasevicius, who introduced the agenda of the meeting. The agenda was approved.

2. Tour-de-table on recent developments in each Member State / organisation

The meeting opened with a tour de table with a focus on policy, legal and operational developments in the Member States. Member States (MS) informed about modified legislation on the platform work and temporary work agencies, increased staff of the national labour inspectorates or strengthened cooperation between different national authorities in order to effectively tackle undeclared work, check working conditions and share information about local campaigns. European Commission (EC) representative informed about the upcoming reports (on posting, intra-EU mobility, etc.), ELA evaluation process as well as the need to invest in dialogue with social partners. Social partners informed amongst others on the internal evaluations of ELA as part of the forthcoming review. The exchange of information was appreciated by the participants.

3. Analytical support

ELA updated the WGI on its activities and plans in relation to labour mobility analysis and risk assessment. First, in relation to reporting about CJIs, ELA will continue to have two biannual reports on CJIs: the first report will be drafted in the middle of each year, covering CJIs in the first half of the year, and the second will be drafted in the beginning of the next year will provide a more in-depth analysis of all CJIs in the past year.

Second, ELA presented its plans for strategic analyses covering sector-specific challenges and issues. After this year's report on construction, the 2024 report will focus on HORECA sector

(with first insights in June and a final launch in September) and the 2025 report on social security coordination. Due to the interest of MSs there will also be a report on posting of third-country nationals. The need to work closely with MSs on the collection of data, including understanding the impact of changes in administrative procedures on data was stressed.

Third, ELA finalized its internal procedures enabling it to provide analytical support to CJIs. Analytical support will be provided upon request of the MSs requesting a CJI; it can also be used when social partners present their case to ELA to make an informed decision regarding specific CJI. ELA underlined that under its founding regulation it cannot process personal data; this limitation will have impact on the content and coverage of this support.

WGI members discussed the quality of reports and analytical needs. First, desktop research has limitations. It was agreed that it was useful to involve the WGI and practitioners more in the process of drafting of reports. ELA plans to do more strategic reports inhouse. Second, EC and a few MSs commented on the preparation of the report on social security coordination. MSs will need to be consulted due to subsidiarity as well as to provide a good understanding of national statistics.

4. Calendar (*discussion on this item was restricted to national authorities only*)

ELA presented the draft calendar of Weeks of Actions for 2024. Discussions centered around whether the Weeks of Action (WoA) should be announced in advance or not; some MSs suggested less emphasis on the road transport and focus on other sectors. ELA mandate is broad, and social aspects of road transport are under the competence of different authorities at national level, and it is for this reason that ELA proposed 3 WoA in road transport. It is also important to mention that WoA dates are decided by RoadPol. ELA will, however, support other CJIs outside of WoA in any sector of activity. The German initiative for a WoA on remuneration was presented and welcomed by the participants.

MSs and ELA agreed to organise **8 Weeks of Action in 2024: 3 in road transport, 1 HORECA, 1 construction, 1 on wages and 2 within the EMPACT framework**. These will be open for MSs to participate in based on their needs and capacities. Most dates have been set, but there may still be an adjustment of, e.g., the EMPACT Join Action Days depending on MSs preferences.

ELA noted that over 70 CJIs were organised in 2023 and there is room in 2024 to increase the number and coverage of CJIs.

5. CJIs in road transport in 2023, results and lessons learned

ELA informed that up to November 2023, ELA has supported 31 CJIs in the road transport sector. 19 CJIs were organised during the 3 WoA in collaboration with RoadPol and 12 CJIs were organised outside of WoA.

Inspectors from MSs presented recently organised two CJIs- one on international passenger transport and another – on a suspected letterbox transport company.

There was a discussion of methodology of controls and trainings of inspectors. ELA highlighted that there are several projects that support harmonisation of legislation (TRACE project) as well as there are planned 2-day trainings in 5 regions in 2024 (in cooperation with CORTE).

6. Cooperation with AQUAPOL: concerted and joint inspections on inland waterways

ELA informed about the first CJIs in the sector of inland waterways organised in September 2023, involving 5 MSs and working together in a multiagency approach (labour, police, customs and transport authorities). It was organised in cooperation with the waterborne law enforcement network AQUAPOL. The chair of AQUAPOL as well as a representative of a MS authority joined the meeting as guests to present their work and cooperation projects.

The sector employs about 48,000 workers, and about 1.6 million tourists board more than 400 cruise ships per year. During the CJIs, 36 ships and 38 companies were inspected by a total of 270 enforcement officers. 65 potential infringements were discovered that require further investigation (undeclared work, illegal employment of TCNs, incorrect remuneration and working and resting time violations, etc.). Often, the same companies provide services in multiple states. The enforcement cooperation on inland waterways with AQUAPOL has proved successful and will be continued.

7. Report on concerted and joint inspections in 2023

ELA presented the draft biannual report on Concerted and Joint Inspections (January – June 2023). Given that ELA Management Board (MB) took place before the WGI, the report was first presented there; in the future ELA will make sure that WGI discussed first the report to make sure that its input is integrated into the draft before it is presented to the MB. The number of inspections grew to 36 during the first half of 2023 and more MSs hosted observers during CJIs. In construction, which was the main sector of focus in 2023, there were 8 CJIs during the first WoA and 7 outside.

MSs supported analyses of CJIs after cases have been closed at the national level (e.g. cases from 2021). Members suggested to emphasize the role of SPOs in inspections. Some also stressed that the current 6-months deadline for the delivery of a post inspection report, as set in ELA's founding regulation, is too short to have the final inspection results available. Some MSs expressed interest in ELA conducting the analysis of all the ELA supported inspections carried out at national level. ELA intends to continue its efforts to promote CJIs and to increase its numbers and coverage; in particular, ELA will focus on supporting targeted inspections.

A Member State, which hosted a CJI for the first time, shared its experience; the action was a major success and for that reason there is a growing interest in hosting future CJIs.

8. Feedback from discussions at the meeting of the European Platform tackling undeclared work on the procedure to design the new Work Plan of the Platform and the future structure of the Platform

ELA debriefed about the debate that took place during the Meeting of the European Platform tackling undeclared work, which took place prior to the WGI meeting. Several MSs supported more synergies between the platform, inspections, analysis, and information (awareness raising initiatives). At the same time, it was stressed that potential changes to the setup of the Platform require well-prepared discussions.

9. Draft Checklist on genuine posting of workers

ELA updated the group on its work on the draft checklist on genuine posting of workers. Participants welcomed that the draft is close to finalization and suggested it be translated in all EU languages, but shared concerns whether it should be made publicly available.

10. Enforcement related capacity building activities in 2024

ELA informed that in 2024 the capacity-building activities will consist especially of modular trainings for labour inspectors and other authorities (twice per year), national trainings (two in 2024) that cater the specific local needs. In addition, staff exchanges will be organized in 2024 (the call to be launched at the beginning of 2024). ELA's training activities primarily target the inspectors nominated to the pool of inspectors to which 138 inspectors have already been nominated. ELA explained that this strategy was designed following the discussions and feedback from participants about the level of expertise required for inspectors during CJIs.

11. AOB

ELA announced that a new online training platform on CJIs was launched in November with 500 places available and distributed between all MSs.

In October 2023 ELA has signed a new framework service contract for organising logistical support to inspections, such as travel, accommodation, arrangement of meeting venues, interpretation, catering, and local transport.

It was agreed that in 2024 there will be only two meetings of the WGI.

The date for the first WGI meeting of 2024 is set for 17-18 April and the second one is tentatively set for 28-29 November.