

The role of district cells in the fight against social fraud

Belgium

GENERAL INFORMATION	
Name of the organisation	Social Information and Investigation Service (SIIS)
Type of organisation	Other Investigation service
Address	Zuidertoren/Tour du Midi, Europaesplanade 1,1060 Brussels, Belgium
Web page	www.siod.belgie.be
Contact person	Bart Stalpaert Director E-mail: Bart.Stalpaert@siod.belgie.be
Member State	Belgium
GOOD PRACTICE - GENERAL INFORMATION	
Title of the good practice	The role of district cells in the fight against social fraud
Topic of the good practice	Preventing social security fraud
Geographical focus	Nation-wide
Duration	Since 2010 (when the Social Penal Code was enacted) - ongoing
Summary of the good practice	<p>In Belgium, the targets of joint inspections are determined during monthly meetings of (regional) district cells (<i>Arrondissementscellen/Cellules d'arrondissement</i>) with core actors. These decisions are integrated into an overall SIIS annual action plan to combat social fraud that covers around 10 000 joint inspections per year.</p> <p>On-site inspections are carried out by various social and labour inspection services in collaboration with the Social Information and Investigation Service (SIIS). By</p>

	<p>conducting field visits jointly, they enhance the effectiveness and efficiency of inspections, enabling the simultaneous addressing of multiple facets of social fraud, and often, other related offenses.</p>
<p>Art.OBJECTIVES AND ACTIVITIES</p>	
<p>Background/context</p>	<ul style="list-style-type: none"> ▶ Belgium has an integrated approach to tackle social fraud, with district cells serving as a pivotal component in the enforcement framework. These cells are inherently multidisciplinary, leveraging a diverse range of competencies to address and resolve issues effectively. ▶ District cells were established in 2006 by the Programme Act 2006. The provisions of this law relating to SIIS and the district cells were integrated into the Social Penal Code by the Law of 10 June 2010. ▶ There are 17 district cells. The district cells are broadly organised at provincial level. ▶ The mission of the district cells is to organise the labour inspections envisaged in the SIIS annual action plan to combat social fraud.
<p>Objectives</p>	<p>General objective</p> <ul style="list-style-type: none"> ▶ Tackle illegal employment and social fraud. <p>Specific objectives</p> <ul style="list-style-type: none"> ▶ To organise and co-ordinate the controls on compliance with social legislation relating to illegal employment and social fraud; ▶ To enhance effectiveness and efficiency of inspections.
<p>Main activities</p>	<ul style="list-style-type: none"> ▶ Cooperation between social inspectorates is formally organised within district cells, which are set up under the jurisdiction of labour auditor. Labour court auditors and inspectorates work together in these district cells; ▶ The cells are chaired by the labour auditor of the corresponding district and are further made up of representatives of the various (social) inspection

services, the tax authority, the police, a magistrate from the public prosecutor's office and a representative of the staff of the SIIS.¹ If needed, other organisations are also invited e.g. the Federal Food Safety Agency (AFSCA);

- ▶ District cells meet once a month to decide on priority sectors and companies to be inspected on a monthly basis;
- ▶ During the monthly meetings, presided over by the labour auditor, discussions are held to identify and select the companies or sites slated for inspection, taking into account insights from pertinent social inspection services or the police. Subsequently, an agenda is established, outlining the dates for the on-site inspections and specifying the teams of social inspectors required for each inspection. The scale of an inspection, coupled with the capabilities of the respective inspection services, dictates the team's composition. This approach aligns with the Social Penal Code, ensuring that inspections remain 'proportionate' in nature.
- ▶ The following organisations are represented at these meetings: the labour auditor, the SIIS, the federal social inspectorates (National Office for Social Security, Labour Inspection, National Employment Office, National Institute for Health and Disability Insurance, National Institute for the Social Security of the Self-employed), federal judicial police, local police, the Federal Public Service Finance, the Federal Public Service Economy, and the regional social inspectorates;
- ▶ The relationships between the various representatives are largely informal. Article 54 of the Social Penal Code allows social inspectors to share information with any service for which they consider the information useful

¹ The labour auditor is a magistrate specialising in social law (social security law, individual and collective labour law, European social legislation, etc.).

	<p>(except when working within the framework of a judicial investigation);</p> <ul style="list-style-type: none"> ▶ Inspections in district cells constitute the driving force of the SIIS. The actual inspections are not carried out by SIIS but by a team of social inspectors from the different services with which SIIS cooperates, for example, the Labour Inspectorate - Directorate for the Control of Social Laws (CLS), the Welfare Control Directorate (CBE), National Office for Social Security (NSSO), the National Employment Office (ONEM), the National Institute for Health and Disability Insurance (INAMI), AFSCA etc. In the event of illegal work, the police will intervene, and where necessary, the tax authorities; ▶ The multidisciplinary inspections are overseen by the labour auditor. It is up to the labour auditor to monitor whether the targets set at national level are met and make adjustments where necessary.
<p>Did you previously provide information about this particular good practice under the European Platform tackling undeclared work?</p> <p>(if yes, is it possible to provide the year and the title of good practice or a link of the good practice in ELA Virtual library)</p>	<p>No</p>
<p>Funding/organisational resources</p>	<p>The funding to implement the practice comes from the national level.</p>
<p>PARTICIPATION</p>	
<p>Stakeholders involved</p>	<ul style="list-style-type: none"> ▶ The labour auditor in each district; ▶ The federal social inspectorates including the National Office for Social Security (NSSO), Labour Inspection, the National Employment Office (ONEM), National Institute for Health and Disability Insurance (NIHDI), the National Institute for the Social Security of the Self-employed (NISSE);

	<ul style="list-style-type: none"> ▶ The Federal Judicial Police; ▶ The local police, ▶ Federal Public Service Finance; ▶ Federal Public Service Economy; ▶ The regional social inspectorates; ▶ Federal Food Safety Agency (occasionally).
Target groups	<ul style="list-style-type: none"> ▶ Companies engaged in social fraud ▶ Workers engaged in social fraud
Final beneficiaries	Workers victims of the social fraud cases detected through joint inspections.
GOOD PRACTICE CRITERIA	
Achievements/ Results and outcomes (Alignment of good practice with the priorities of the Call (if not applicable, alignment with the field of EU labour mobility)	<ul style="list-style-type: none"> ▶ In 2022 approximately 14 000 joint inspections were carried out under the operation of the district cells, exceeding the target of around 10 000, initially established for the year. ▶ Infringements of the law were discovered in one out of three three joint inspections; ▶ Years of cooperation between all the services represented in the district cells have led to very good informal relationships between the participating services in addition to the legally required formal cooperation. The trust that has been built as a result of ongoing collaboration contributes to the willingness to address the practicalities of controlling social fraud and to the ease of solving cases; ▶ The system of coordination between SIIS and federal agencies, on the one hand, and the district cells structures addressing social fraud, on the other, recognises the distinct competences of the different services and leads to more effective cooperation around objectives and ultimately better outcomes;

	<p>► Within the district cells, for Joint Action Days² or Concerted Joint Inspections³ (CJIs), agreements can be made between the various services regarding their participation within a particular action. The selection of services partly depends on the case, for instance the participation of the NSSO is necessary if the case focuses on (bogus) self-employment.</p>
<p>Recognition (has this good practice been recognised on regional, national or EU level)</p>	<p>There has been recognition of the good practice within ELA and within Europe: in the framework of the concerted and joint inspections (CJIs), the system received positive feedback from international colleagues in the working group on inspections/platform undeclared work.</p>
<p>Cost effectiveness (the degree to which the practice was successful in reaching objectives and producing clear and measurable outcomes at the lowest possible cost)</p>	<p>The structure is relatively cost-effective with only one planning meeting where actions for the subsequent month are agreed on by the relevant core actors.</p>
<p>Transferability (how the experience from this practice could be transferred to other contexts i.e. what would another Member State/group/sector need to have or put in place for this measure to be successful in their country/group/sector)</p>	<p>Key to establishing the integrated approach is to put in place a national framework of objectives to reduce social fraud and undeclared work (e.g. national action plan), national control targets, and a national coordinating structure (e.g. SIIIS). Cooperation and collaboration between the national structure and the district cells then becomes crucial to operationalise the national objectives and targets. Respecting the multidisciplinary nature of the various social inspectorate services within the district cells, and understanding the importance of informal relationships of trust between the various social inspectorates within the district cells is an important part of the formula for transferability and success.</p>
<p>Sustainability (how the practice is sustainable from a social, financial or environmental perspective)</p>	<p>The practice contributes to the sustainability of rights among both employers and workers. It also contributes to the financial objectives of tackling social fraud.</p>

² EMPACT is a permanent and key EU instrument for structured multidisciplinary cooperation to fight organised and serious international crime driven by the Member States and supported by EU institutions, bodies and agencies in line with their respective mandates.

³ According to Article 8(1) of Regulation (EU) 2019/1149, Concerted inspections are inspections carried out in two or more MS simultaneously regarding related cases, with each national authority operating in its own territory, and supported, where appropriate, by the staff of the Authority.

<p>Innovativeness (innovative features of the good practice)</p>	<p>The multiplicity of inspectorates and multidisciplinary controls represents an innovative approach.</p>
<p>Digitalisation (Design, development and/or utilisation of digital tools, policies or plans for digitalisation, business processes and data digitalisation, data sharing digital initiatives, the use of digitalisation to facilitate the access to data in real time and detection of fraud and error, etc.)</p>	<p>The Federal social inspection services jointly developed a mobile application, My Digital Assistant (MyDia), which gives inspectors access to the national register to quickly identify workers via their smartphones.⁴</p>

⁴ The information for this section was excerpted from the NSSO Annual Report 2020, available at: <https://www.rszjaarverslag.be/2020/fr/projets-recents/mydia.html>