



Summary of deliberations

Meeting of the European Platform tackling undeclared work

28-29 November 2023, European Labour Authority (Landererova 12, Bratislava)

28 November

ITEM 1: Welcome and short introduction by Pedro Assares, Head of Enforcement and Analysis Unit, ELA

The chair welcomed Platform members and observers. The agenda was adopted.

ITEM 2: Presentation of the report of the Platform subgroup on evaluating social / labour ID cards as a tool for tackling undeclared work, including in subcontracting chains

The representatives of EFBWW and FIEC reported on the discussions held at the subgroup and provided information on the ongoing project “Social identity cards in construction”. FIEC representative suggested a few changes to the subgroup report. Once these changes are implemented, the report will be final and published.

The report from the thematic discussion on cooperation between enforcement authorities and NGOs will be provided in a separate document.

29 November

ITEM 1: Opening remarks by Cosmin Boiangiu, Executive Director, ELA

The Executive Director welcomed Platform members and observers. The agenda was adopted.

ITEM 2: Adoption of outputs from Platform meeting on 28-29 March 2023

The following documents were adopted:

- Summary of deliberations from Platform meeting on 29 March 2023.
- Thematic report on “The Rise of Teleworking: Improvements in Legislation and Challenges for Tackling Undeclared Work” from plenary discussion on 28 March 2023.

ITEM 3: Update by the European Commission, DG EMPL

DG Employment updated Platform representatives about several past, ongoing and planned initiatives and developments:

- Integration of refugees from Ukraine into the labour market (and avoiding undeclared work) will remain important. Temporary protection for refugees from Ukraine extended until March 2025.
- The Skills and Talent Mobility Package, which aims to attract third-country nationals to the European labour market, was adopted by the Commission in November 2023.
- The annual report on intra-EU labour mobility 2023 shall be published early 2024 and have a specific chapter on ‘export of pensions’.
- Study on the effectiveness of policies to tackle undeclared work was published in July (<https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8559&furtherPubs=yes>)



ITEM 4: Discussion about the procedure to design the new Work plan of the Platform and the future structure of the Platform

ELA put forward for discussion suggestions aimed to strengthen synergies in the area of enforcement (tackling undeclared work, inspections and analysis). The first suggestion considered consulting the Platform on an integrated work plan for the whole ELA enforcement area, and involving Working Group on Inspections ('INSP WG') in that process.

In addition, in the short term, this solution would envisage a more consistent division of roles, with the Platform focusing on strategic and policy aspects, and the INSP WG handling technical and operational aspects of cross-border inspections. In the long term, both groups could be integrated into a single structure, building on the successful working methods of the Platform and addressing all enforcement-related issues. The process would be gradual with the close involvement of the Platform.

The Platform members provided various comments and remarks. The majority of reactions made highlighted the following aspects: the existing working group should be maintained, and any changes should be pondered carefully and with time, not to damage the existing model; the Platform should maintain the working method of defining its work plan and its focus on strategic/policy aspects; it should not focus only on cross-border issues; there are benefits of having diverse membership at the Platform; it is appreciated that Platform members can designate different colleagues to participate in various activities. At the same time, many members indicated that they are open to consider changes that could increase efficiency and synergies between the existing structures. In addition, it was suggested that internal coordination at ELA, in particular concerning communication activities, could be strengthened, e.g. by bringing closer together the Working Group on Information and the INSP WG and/or the Platform.

Further discussions will be held with the Platform before a proposal is submitted to the ELA Management Board for discussion.

ITEM 5: Piloting a new service – targeted analytical support on demand

The proposal for piloting a new service offered to national authorities – targeted analytical support in the form of ad-hoc reports addressing tackling undeclared work was adopted pending the adjustment that requests must align with the Platform's mandate.

ITEM 6: Adoption of the Mandate of the Platform subgroup on safe reporting and complaint mechanisms for workers to denounce abuse and seek support

The mandate was adopted. It was mentioned that the subgroup, among other subjects, should also reflect on the safe reporting and complaint mechanisms available for undocumented migrant workers.

ITEM 7: Sharing experiences from peer-learning dialogues

ELA proposed a topic for a peer learning dialogue to be held in May/June 2024, focusing on *approaches and instruments to support and enforce temporary work agencies' compliance, including rules on declaration of work, equal treatment of workers and posting of workers*. The proposal was well received by the Platform with several members expressing an interest in the topic.

Platform members shared their positive experiences from participating in previous peer learning dialogues.

ITEM 8: Planning new activities (thematic focus of the plenary meeting in Q4 2024, the future of the Subgroup on displaced persons from Ukraine, etc.) and reporting from past activities of the Platform



- The Platform agreed to continue monitoring the situation of Ukrainian displaced persons who are active in the EU labour market, with a view to determine if additional activities by the Subgroup are necessary. The approach to the Subgroup will be reviewed at the next plenary meeting.
- ELA proposed to change the thematic focus of the Q4 2024 plenary meeting to concentrate on the *current and future roles, competencies and powers of enforcement authorities*. Since the initially agreed-upon topic, addressing *improving KPIs and data collection to tackle undeclared work*, was recently discussed (in November 2022) and a related study was published in February 2023, greater value could be achieved by opting for a different thematic focus. ELA mentioned that the proposed new topic is relatively broad and may need to be narrowed down. The proposal was agreed.
- A proposal was made to further align the thematic focus of future plenary meetings with the European Commission policy priorities such as the EU Talent Pool. The possible application of this proposal will be discussed by ELA and the Commission considering 2025 plenaries.

ITEM 9: Campaign EU for Fair Construction

ELA presented an overview of the campaign #EU4FairConstruction. Its main aim is to provide valuable information on the EU legislation and the rights and obligations of employers and employees active in the construction sector, in particular concerning posting of workers. In addition, it also raises awareness on the benefits of declared work.

Furthermore, for the 2024-25 campaign on the seasonal workers in the HORECA sector, the ELA Working Group on Information will establish focus groups to gather materials, insights, and suggestions for the campaign. An invitation to participate will also be extended to the Platform.